

BILLS 1981 - 1982

HB 652 - HB 654

La. Finance

1555

1555

COMMITTEE REPORT

HOUSE

FURTHER:

(11)

3/3/82

Date: 3-11-82

Mr. Speaker:

The Committee on FINANCE has had HB 652

"An Act authorizing the transfer to certain municipalities of responsibilities of the Department of Transportation and Public Facilities for maintenance of state highways; and providing for an effective date."

under consideration and ~~(a majority of the committee)~~ ~~(the committee)~~ reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 652 (11-11-81) same title
 new title
- and recommends DO PASS
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

Original sponsor: Transportation Committee

Offered: 3/3/82
Referred: Finance

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2 CS FOR HOUSE BILL NO. 652 (Transportation)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing the transfer to municipalities of
7 responsibilities of the Department of Transportation
8 and Public Facilities for maintenance of state highways
9 and airports; and providing for an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. AS 19.10.030 is amended to read:

12 Sec. 19.10.030. RESPONSIBILITY FOR SYSTEM. The department is
13 responsible for the construction and maintenance of the state highway
14 system unless the responsibility for maintenance is transferred to a
15 municipality under AS 19.20.013.

16 * Sec 2. AS 19.20 is amended by adding a new section to read:

17 Sec. 19.20.013. LOCAL CONTROL OF STATE HIGHWAY MAINTENANCE. (a)
18 A municipality may, by resolution of its governing body, request the
19 transfer to it of the responsibility of the department for the mainten-
20 ance of state highways within the municipality.

21 (b) After receipt of a resolution under (a) of this section, the
22 commissioner may enter into an agreement with the municipal officials
23 specifying the terms and conditions by which the maintenance of state
24 highways is transferred to the municipality. The terms of the agreement
25 shall be determined by negotiations with the municipality. The commis-
26 sioner shall require terms and conditions in an agreement under this
27 subsection to assure compliance with the requirements of this title.
28 The commissioner may include other terms and conditions to protect the
29 public interest. The effective date of the agreement shall be a date

1 that is not later than five years after the date of the resolution of
2 the governing body of the municipality requesting the transfer.

3 (c) If the commissioner and a municipality enter into an agreement
4 for the transfer of state highway maintenance to the municipality, the
5 commissioner shall annually pay to the municipality, for the period
6 beginning with the effective date of the transfer, the amount the com-
7 missioner determines to be the cost to the state for maintenance of the
8 state highways transferred under the agreement during the fiscal year
9 preceding the effective date of the transfer, adjusted annually for
10 inflation.

11 (d) If an agreement to transfer responsibility for maintenance of
12 a highway is entered into under this section with a municipality that
13 does not otherwise have the power to maintain highways, that municipality
14 is granted the power to perform the agreement.

15 (e) In this section,

16 (1) "municipality" means a political subdivision of the state
17 that is a city, borough, or unified municipality, and includes a home
18 rule and a general law municipality;

19 (2) "state highway" means a highway or road located in the
20 state and officially designated by the department as a portion of the
21 state highway system under AS 19.10.020.

22 * Sec. 3. AS 02.15 is amended by adding a new section to read:

23 Sec. 02.15.062. LOCAL CONTROL OF AIRPORT MAINTENANCE. (a) A
24 municipality may, by resolution of its governing body, request the
25 transfer to it of the responsibility of the department for the mainten-
26 ance of airports within the municipality.

27 (b) After receipt of a resolution under (a) of this section, the
28 commissioner may enter into an agreement with the municipal officials
29 specifying the terms and conditions by which the maintenance of airports

1 is transferred to the municipality. The terms of the agreement shall be
2 determined by negotiations with the municipality. The commissioner
3 shall require terms and conditions in an agreement under this subsection
4 to assure compliance with the requirements of this title. The commis-
5 sioner may include other terms and conditions to protect the public
6 interest. The effective date of the agreement shall be a date that is
7 not later than five years after the date of the resolution of the govern-
8 ing body of the municipality requesting the transfer.

9 (c) If the commissioner and a municipality enter into an agreement
10 for the transfer of airport maintenance to the municipality, the commis-
11 sioner shall annually pay to the municipality, for the period beginning
12 with the effective date of the transfer, the amount the commissioner
13 determines to be the cost to the state for maintenance of the airports
14 transferred under the agreement during the fiscal year preceding the
15 effective date of the transfer, adjusted annually for inflation.

16 (d) If an agreement to transfer responsibility for maintenance of
17 an airport is entered into under this section with a municipality that
18 does not otherwise have the power to maintain airports, that municipal-
19 ity is granted the power to perform the agreement.

20 * Sec. 4. This Act takes effect July 1, 1982.
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Original sponsor: Transportation Committee

Offered: 3/3/82
Referred: Finance

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2 CS FOR HOUSE BILL NO. 652 (Transportation)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing the transfer to municipalities of
7 responsibilities of the Department of Transportation
8 and Public Facilities for maintenance of state highways
9 and airports; and providing for an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. AS 19.10.033 is amended to read:

12 Sec. 19.10.030. RESPONSIBILITY FOR SYSTEM. The department is
13 responsible for the construction and maintenance of the state highway
14 system unless the responsibility for maintenance is transferred to a
15 municipality under AS 19.20.013.

16 * Sec 2. AS 19.20 is amended by adding a new section to read:

17 Sec. 19.20.013. LOCAL CONTROL OF STATE HIGHWAY MAINTENANCE. (a)
18 A municipality may, by resolution of its governing body, request the
19 transfer to it of the responsibility of the department for the mainten-
20 ance of state highways within the municipality.

21 (b) After receipt of a resolution under (a) of this section, the
22 commissioner may enter into an agreement with the municipal officials
23 specifying the terms and conditions by which the maintenance of state
24 highways is transferred to the municipality. The terms of the agreement
25 shall be determined by negotiations with the municipality. The commis-
26 sioner shall require terms and conditions in an agreement under this
27 subsection to assure compliance with the requirements of this title.
28 The commissioner may include other terms and conditions to protect the
29 public interest. The effective date of the agreement shall be a date

1 that is not later than five years after the date of the resolution of
2 the governing body of the municipality requesting the transfer.

3 (c) If the commissioner and a municipality enter into an agreement
4 for the transfer of state highway maintenance to the municipality, the
5 commissioner shall annually pay to the municipality, for the period
6 beginning with the effective date of the transfer, the amount the com-
7 missioner determines to be the cost to the state for maintenance of the
8 state highways transferred under the agreement during the fiscal year
9 preceding the effective date of the transfer, adjusted annually for
10 inflation.

11 (d) If an agreement to transfer responsibility for maintenance of
12 a highway is entered into under this section with a municipality that
13 does not otherwise have the power to maintain highways, that municipality
14 is granted the power to perform the agreement.

15 (e) In this section,

16 (1) "municipality" means a political subdivision of the state
17 that is a city, borough, or unified municipality, and includes a home
18 rule and a general law municipality;

19 (2) "state highway" means a highway or road located in the
20 state and officially designated by the department as a portion of the
21 state highway system under AS 19.10.020.

22 * Sec. 3. AS 02.15 is amended by adding a new section to read:

23 Sec. 02.15.062. LOCAL CONTROL OF AIRPORT MAINTENANCE. (a) A
24 municipality may, by resolution of its governing body, request the
25 transfer to it of the responsibility of the department for the mainten-
26 ance of airports within the municipality.

27 (b) After receipt of a resolution under (a) of this section, the
28 commissioner may enter into an agreement with the municipal officials
29 specifying the terms and conditions by which the maintenance of airports

1 is transferred to the municipality. The terms of the agreement shall be
2 determined by negotiations with the municipality. The commissioner
3 shall require terms and conditions in an agreement under this subsection
4 to assure compliance with the requirements of this title. The commis-
5 sioner may include other terms and conditions to protect the public
6 interest. The effective date of the agreement shall be a date that is
7 not later than five years after the date of the resolution of the govern-
8 ing body of the municipality requesting the transfer.

9 (c) If the commissioner and a municipality enter into an agreement
10 for the transfer of airport maintenance to the municipality, the commis-
11 sioner shall annually pay to the municipality, for the period beginning
12 with the effective date of the transfer, the amount the commissioner
13 determines to be the cost to the state for maintenance of the airports
14 transferred under the agreement during the fiscal year preceding the
15 effective date of the transfer, adjusted annually for inflation.

16 (d) If an agreement to transfer responsibility for maintenance of
17 an airport is entered into under this section with a municipality that
18 does not otherwise have the power to maintain airports, that municipal-
19 ity is granted the power to perform the agreement.

20 * Sec. 4. This Act takes effect July 1, 1982.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CSHB 652 Transfer to municipalities responsibilities
 Title for maintenance of state highways & airports
 Requested by House Transportation Date 3/26/82

II. FISCAL DETAIL
 Agency Affected Department of Transportation & Public Facilities
 Program Category Affected _____
 BRU, Program, Or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

-0-

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

Assume cost to the state will be the same.

IV. DATE March 30, 1982 PREPARED BY *Sal*
 AGENCY DOT/PF
 PHONE 465-3900
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

TESTIMONY ON CS HB 648, CS HB 649, CS HB 651,
CS HB 652 and CS HB 654

My name is Walter B. Parker. I am a resident of Anchorage, Alaska residing at 3724 Campbell Airstrip Road. I have been active in Alaskan transportation operations and planning since 1946.

CS HB 652

I support this bill if my assumption is correct that the necessary coordination of design, signing, lighting and signals would be achieved through the terms and conditions of the transfer. It might be wise to specify that the state highway system is a coordinated system using common design parameters to insure maximum safety. In essence, the relationship between the state and the municipality would be similar to the present federal-state highway relationship insofar as design and planning controls are concerned. The problem could also be handled by defining where maintenance ends and redesign begins.

I do not regard any of the above as problems that will not be surmounted by a reasonable good faith effort on the part of both parties concerned. What has been said about highways also applies to airports.

MAR 9 1982

City of Nondalton
General Delivery
Nondalton, Alaska 99640

March 9, 1982

Rep. Bette Cato
Pouch V
Juneau, Alaska 99811

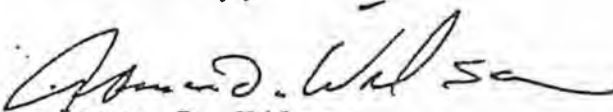
Dear Rep. Cato:

In reference to HB 652, I would like to take this opportunity to inform you of the rural area support for this bill.

If the municipalities could maintain airports and highways, the cost of state government would be less and maintenance would be from day to day instead of item by item.

Please keep us up to date on the progress of this bill and amendments if any.

Sincerely,



James D. Wilson
Mayor of Nondalton

JDW

Bill analysis by Rep. Bette Cato's office

HB 652 "An act authorizing the transfer to certain municipalities of responsibilities of the Department of Transportation and Public Facilities for maintenance of state highways; and providing for an effective date."

This act provides a municipality the option for local control for maintenance of state highways and airports within a municipality.

Sec. 1 AS. 19.10.030 amends existing law to allow the responsibility for maintenance to be transferred to a municipality.

Sec. 2. AS. 19.20.013 is a new section (This relates to Highways)
(a) A municipality may, by resolution of it's governing body, request the transfer to it the responsibility of the department for the maintenance of state highways.
(b) states how the agreement between the department and the municipality shall be made.
(c) this section was put in to allow the commissioner direction as to the amount of monies to the municipality.
(d) authorizes a municipality the power to maintain highways and to enter into an agreement for such.

Sec. 3 AS. 02.15.062 is a new section to allow for local control of airport maintenance, with similar provisions as the highways section.

Sec. 4 effective date authority, July 1, 1982

*** Fiscal impact is estimated at zero, (Fiscal note attached), should represent a savings to the state once enacted, as well as provide for better maintenance.

*** The CS added "airports"

*** Bill is supported by the Alaska Municipal League and Dept. of Community and Regional Affairs position paper included in members files.

STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, Governor

FEB 24 1982

POUCH B
JUNEAU, ALASKA 99811
PHONE: (907) 465-4700

February 24, 1982

The Honorable Bette M. Cato
Chairperson, House Transportation Committee
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Cato:

RE: HB 652

Enclosed please find the Department's position paper on House Bill 652. If you have any questions regarding our position on this legislation, please feel free to contact us.

Sincerely,

Lee McAnerney by RA

Lee McAnerney
Commissioner

Enclosure: Position Paper HB 652

STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

J. HAMMOND, Governor

FEB 24 1982

POUCH B
JUNEAU, ALASKA 99811
PHONE: (907) 465-4700

POSITION PAPER ON HOUSE BILL 652

House Bill 652 authorizes and establishes a method by which the state may transfer road maintenance responsibilities for state highways to municipalities.

The Department supports this bill as it adds an additional option in the area of road maintenance which in many cases may be a less costly alternative than continued state maintenance. The present situation often creates redundancy with the state and municipalities each having to provide staff and equipment to maintain their respective roads. The Department notes that the bill excludes boroughs (the majority of which exercise road powers on a service area basis only). The Department believes that the Legislature should consider including boroughs under this bill on the condition that the borough accepts the transfer of responsibilities on a comprehensive (i.e. areawide) basis.

The Department supports the idea of granting local governments with as many responsibilities as they are capable or desirous of managing. Resources to administer these services should also be provided. This philosophy is reflected in existing State programs which provide financial aid to local governments and is even more clearly exemplified in SB 716/HB 746, the Governor's proposed revenue sharing reform bill.

Introduced: 1/11/82
Referred: Transportation and
Finance

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2 HOUSE BILL NO. 652

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing the transfer to certain municipali-
7 ties of responsibilities of the Department of Trans-
8 portation and Public Facilities for maintenance of
9 state highways; and providing for an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. AS 19.10.030 is amended to read:

12 Sec. 19.10.030. RESPONSIBILITY FOR SYSTEM. The department is
13 responsible for the construction and maintenance of the state highway
14 system unless that responsibility is transferred to a municipality under
15 this chapter.

16 * Sec 2. AS 19.10 is amended by adding a new section to read:

17 ARTICLE 4. MUNICIPAL MAINTENANCE OF STATE HIGHWAYS.

18 Sec. 19.10.300. LOCAL CONTROL OF STATE HIGHWAY MAINTENANCE. (a)
19 A unified municipality or a home rule or first class city with a popu-
20 lation of more than 1,000 people may, by resolution of its governing
21 body, request the transfer to it of the responsibility of the department
22 for the maintenance of state highways within the municipality.

23 (b) After receipt of a resolution under (a) of this section, the
24 commissioner may enter into an agreement with the municipal officials
25 specifying the terms and conditions by which the maintenance of state
26 highways is transferred to the municipality. The terms of the agreement
27 shall be determined by negotiations with the municipality. The commis-
28 sioner shall require terms and conditions in an agreement under this
29 subsection to assure compliance with the requirements of this title.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CSHB 652 Transfer to municipalities responsibilities
 Title for maintenance of state highways & airports
 Requested by House Transportation Date 3/26/82

II. FISCAL DETAIL
 Agency Affected Department of Transportation & Public Facilities
 Program Category Affected _____
 BRU, Program, Or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-				

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

Assume cost to the state will be the same.

IV. DATE March 30, 1982 PREPARED BY *DaLi*
 AGENCY DOT/PF
 Original: Legislative Finance PHONE 465-3900
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

CORRECTION

THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

Introduced: 1/11/82
Referred: Transportation and
Finance

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2

HOUSE BILL NO. 652

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act authorizing the transfer to certain municipali-
7 ties of responsibilities of the Department of Trans-
8 portation and Public Facilities for maintenance of
9 state highways; and providing for an effective date."

10

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11

* Section 1. AS 19.10.030 is amended to read:

12

Sec. 19.10.030. RESPONSIBILITY FOR SYSTEM. The department is
13 responsible for the construction and maintenance of the state highway
14 system unless that responsibility is transferred to a municipality under
15 this chapter.

16

* Sec 2. AS 19.10 is amended by adding a new section to read:

17

ARTICLE 4. MUNICIPAL MAINTENANCE OF STATE HIGHWAYS.

18

Sec. 19.10.300. LOCAL CONTROL OF STATE HIGHWAY MAINTENANCE. (a)

19

A unified municipality or a home rule or first class city with a popu-
20 lation of more than 1,000 people may, by resolution of its governing
21 body, request the transfer to it of the responsibility of the department
22 for the maintenance of state highways within the municipality.

23

(b) After receipt of a resolution under (a) of this section, the
24 commissioner may enter into an agreement with the municipal officials
25 specifying the terms and conditions by which the maintenance of state
26 highways is transferred to the municipality. The terms of the agreement
27 shall be determined by negotiations with the municipality. The commis-
28 sioner shall require terms and conditions in an agreement under this
29 subsection to assure compliance with the requirements of this title.

1 The commissioner may include other terms and conditions to protect the
2 public interest. The effective date of the agreement shall be a date
3 that is not later than five years after the date of the resolution of
4 the governing body of the municipality requesting the transfer.

5 (c) If the commissioner and a municipality enter into an agreement
6 for the transfer of state highway maintenance to the municipality, the
7 commissioner shall annually pay to the municipality, for the period
8 beginning with the effective date of the transfer, the amount the com-
9 missioner determines to be the cost to the state for maintenance of the
10 state highways transferred under the agreement during the fiscal year
11 preceding the effective date of the transfer, adjusted annually for
12 inflation.

13 (d) In this section, "state highway" means a highway or road
14 located in the state and officially designated by the department as a
15 portion of the state highway system under AS 19.10.020.

16 * Sec. 3. This Act takes effect July 1, 1982.
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THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CSHB 652 Transfer to municipalities responsibilities
 Title for maintenance of state highways & airports
 Requested by House Transportation Date 3/26/82

II. FISCAL DETAIL
 Agency Affected Department of Transportation & Public Facilities
 Program Category Affected _____
 BRU, Program, Or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

-0-

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

Assume cost to the state will be the same.

IV. DATE March 30, 1982 PREPARED BY *Pat*
 AGENCY DOT/PF
 Original: Legislative Finance PHONE 465-3900
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
Bill/Resolution No. CSHB 649 Relating to regions in DOTPF and prescribing
Title duties of directors
Requested by House Transportation Committee Date March 26, 1982

II. FISCAL DETAIL
Agency Affected _____
Program Category Affected _____
APU, Program, Or Subprogram(s) Affected _____
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	up to 9720.0					

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	up to	9720.0				
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)
The operating costs to duplicate the regional organizations for the Design and Construction Unit and the Planning and Programming Unit in two additional regions would approximate \$9.7 million in general funds. This estimate does not attempt to cover any costs which would be required for space and other capital costs.

The actual costs would vary greatly based upon the level of autonomy desired in the regions and the refinement of possible reduction in the existing regions. Reductions for duplication of effort would be minimal compared to the total cost.

Reductions to the existing regions have been limited to those now used for the Nome and Valdez Residencies and the three existing director positions which would be deleted.

IV. DATE March 30, 1982 PREPARED BY Ronald Lind
AGENCY DOT/PF
Original: Legislative Finance PHONE 465-3900
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

The cost estimates are based upon the assumptions that only the Design and Construction and Planning and Programming Units would be expanded into the two additional regions. No specific estimates have been made for costs of increased administrative services required in the regions.

The costs were calculated as follows:

For the Design and Construction activities, the lower general fund amount in the Southeast or Central Division in the 1983 budget for each component was used. The general fund costs for the two residencies were then deleted. The estimate for the Planning and Programming activities is based upon costs for the Transportation and Facility components for the Interior Region. The direct costs for capital projects were not included because it is assumed that they would be transfers.

Attachment

Attachment for Fiscal Note -
CSHB 649

General Fund

	<u>Operating</u>	<u>Indirect</u>
Central Region - Director's Office	450.0	105.0
" " Technical Services	260.0	200.0
" " Buildings & Harbors	395.0	175.0
Southeast Region - Right of Way	310.0	20.0
" " Highway and Aviation	570.0	95.0
Subtotal:	<u>\$1,985.0</u>	<u>595.0</u>
Southcentral Residency	[30.0]	-
Western Residency	[40.0]	-
	<u>\$1,915.0</u>	<u>595.0</u>
Estimated COLA 20%	380.0	120.0
	<u>\$2,295.0</u>	<u>715.0</u>
Interior Transportation Planning	\$1,450.0	-0-
" Facility Planning	500.0	-0-
	<u>\$1,950.0</u>	-0-
Estimated COLA 10%	200.0	-0-
	<u>\$2,150.0</u>	
Subtotal D & C and P & P	\$4,445.0	715.0
Less estimate of 3 Directors which exist in current region	[300.0]	-0-
	<u>\$4,145.0</u>	<u>715.0</u>
Two additional regions	x 2	x 2
	<u>\$8,290.0</u>	<u>\$1430.0</u>
TOTAL		<u>\$9,720.0</u>

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

HB 652

I. REQUEST
 Bill/Resolution No. HB 652
 Title maintenance of state highways
 Requested by House Transportation Committee Date 1/21/82

II. FISCAL DETAIL
 Agency Affected Department of Transportation & Public Facilities
 Program Category Affected Transportation
 BRU, Program, Or Subprogram(s) Affected M&O, Highways Components, Statewide
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

Based upon our interpretation of H.B. 652 it is assumed that should a municipality request to assume road maintenance the amount of money transferred to the municipality will be reflected as a deduction to the M&O Budget with a net effect of -0-.

IV. DATE 2/3/82 PREPARED BY [Signature]
 AGENCY DOT/PE
 PHONE 211-1443
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

281

Original sponsor: Transportation Committee

Offered: 3/3/82
Referred: Finance

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2 CS FOR HOUSE BILL NO. 652 (Transportation)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing the transfer to municipalities of
7 responsibilities of the Department of Transportation
8 and Public Facilities for maintenance of state highways
9 and airports; and providing for an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. AS 19.10.030 is amended to read:

12 Sec. 19.10.030. RESPONSIBILITY FOR SYSTEM. The department is
13 responsible for the construction and maintenance of the state highway
14 system unless the responsibility for maintenance is transferred to a
15 municipality under AS 19.20.013.

16 * Sec 2. AS 19.20 is amended by adding a new section to read:

17 Sec. 19.20.013. LOCAL CONTROL OF STATE HIGHWAY MAINTENANCE. (a)
18 A municipality may, by resolution of its governing body, request the
19 transfer to it of the responsibility of the department for the mainten-
20 ance of state highways within the municipality.

21 (b) After receipt of a resolution under (a) of this section, the
22 commissioner may enter into an agreement with the municipal officials
23 specifying the terms and conditions by which the maintenance of state
24 highways is transferred to the municipality. The terms of the agreement
25 shall be determined by negotiations with the municipality. The commis-
26 sioner shall require terms and conditions in an agreement under this
27 subsection to assure compliance with the requirements of this title.
28 The commissioner may include other terms and conditions to protect the
29 public interest. The effective date of the agreement shall be a date

1 that is not later than five years after the date of the resolution of
2 the governing body of the municipality requesting the transfer.

3 (c) If the commissioner and a municipality enter into an agreement
4 for the transfer of state highway maintenance to the municipality, the
5 commissioner shall annually pay to the municipality, for the period
6 beginning with the effective date of the transfer, the amount the com-
7 missioner determines to be the cost to the state for maintenance of the
8 state highways transferred under the agreement during the fiscal year
9 preceding the effective date of the transfer, adjusted annually for
10 inflation.

11 (d) If an agreement to transfer responsibility for maintenance of
12 a highway is entered into under this section with a municipality that
13 does not otherwise have the power to maintain highways, that municipality
14 is granted the power to perform the agreement.

15 (e) In this section,

16 (1) "municipality" means a political subdivision of the state
17 that is a city, borough, or unified municipality, and includes a home
18 rule and a general law municipality;

19 (2) "state highway" means a highway or road located in the
20 state and officially designated by the department as a portion of the
21 state highway system under AS 19.10.020.

22 * Sec. 3. AS 02.15 is amended by adding a new section to read:

23 Sec. 02.15.062. LOCAL CONTROL OF AIRPORT MAINTENANCE. (a) A
24 municipality may, by resolution of its governing body, request the
25 transfer to it of the responsibility of the department for the mainten-
26 ance of airports within the municipality.

27 (b) After receipt of a resolution under (a) of this section, the
28 commissioner may enter into an agreement with the municipal officials
29 specifying the terms and conditions by which the maintenance of airports

1 is transferred to the municipality. The terms of the agreement shall be
2 determined by negotiations with the municipality. The commissioner
3 shall require terms and conditions in an agreement under this subsection
4 to assure compliance with the requirements of this title. The commis-
5 sioner may include other terms and conditions to protect the public
6 interest. The effective date of the agreement shall be a date that is
7 not later than five years after the date of the resolution of the govern-
8 ing body of the municipality requesting the transfer.

9 (c) If the commissioner and a municipality enter into an agreement
10 for the transfer of airport maintenance to the municipality, the commis-
11 sioner shall annually pay to the municipality, for the period beginning
12 with the effective date of the transfer, the amount the commissioner
13 determines to be the cost to the state for maintenance of the airports
14 transferred under the agreement during the fiscal year preceding the
15 effective date of the transfer, adjusted annually for inflation.

16 (d) If an agreement to transfer responsibility for maintenance of
17 an airport is entered into under this section with a municipality that
18 does not otherwise have the power to maintain airports, that municipal-
19 ity is granted the power to perform the agreement.

20 * Sec. 4. This Act takes effect July 1, 1982.

Introduced: 1/11/82
Referred: Transportation and
Finance

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2

HOUSE BILL NO. 652

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act authorizing the transfer to certain municipali-
7 ties of responsibilities of the Department of Trans-
8 portation and Public Facilities for maintenance of
9 state highways; and providing for an effective date."

10

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11

* Section 1. AS 19.10.030 is amended to read:

12

Sec. 19.10.030. RESPONSIBILITY FOR SYSTEM. The department is
13 responsible for the construction and maintenance of the state highway
14 system unless that responsibility is transferred to a municipality under
15 this chapter.

16

* Sec 2. AS 19.10 is amended by adding a new section to read:

17

ARTICLE 4. MUNICIPAL MAINTENANCE OF STATE HIGHWAYS.

18

Sec. 19.10.300. LOCAL CONTROL OF STATE HIGHWAY MAINTENANCE. (a)

19

A unified municipality or a home rule or first class city with a popu-
20 lation of more than 1,000 people may, by resolution of its governing
21 body, request the transfer to it of the responsibility of the department
22 for the maintenance of state highways within the municipality.

23

(b) After receipt of a resolution under (a) of this section, the
24 commissioner may enter into an agreement with the municipal officials
25 specifying the terms and conditions by which the maintenance of state
26 highways is transferred to the municipality. The terms of the agreement
27 shall be determined by negotiatio. with the municipality. The commis-
28 sioner shall require terms and conditions in an agreement under this
29 subsection to assure compliance with the requirements of this title.

1 The commissioner may include other terms and conditions to protect the
2 public interest. The effective date of the agreement shall be a date
3 that is not later than five years after the date of the resolution of
4 the governing body of the municipality requesting the transfer.

5 (c) If the commissioner and a municipality enter into an agreement
6 for the transfer of state highway maintenance to the municipality, the
7 commissioner shall annually pay to the municipality, for the period
8 beginning with the effective date of the transfer, the amount the com-
9 missioner determines to be the cost to the state for maintenance of the
10 state highways transferred under the agreement during the fiscal year
11 preceding the effective date of the transfer, adjusted annually for
12 inflation.

13 (d) In this section, "state highway" means a highway or road
14 located in the state and officially designated by the department as a
15 portion of the state highway system under AS 19.10.020.

16 * Sec. 3. This Act takes effect July 1, 1982.

MEMORANDUM

TO: Representative Bette Cato
Chairwoman
House Transportation Committee

FROM: Jay Hogan
Director
Legislative Finance

DATE: February 16, 1982

SUBJECT: Department of Transportation Fiscal Year

The proposed change in the fiscal year for DOT would have no effect on the problems you cite in pages 34 through 36 of the Transportation Committee report, attached. In its annual operating budget DOT has never had more than \$200,000 or \$300,000 in federal funds (\$300,000 is shown in the FY 83 budget currently before the legislature). All of the projects referenced on pages 34 through 36 are capital projects from appropriations which take effect on the effective date of an Act and remain in effect until completion of the project. To change the fiscal year for DOT would have no impact on the capital project appropriations but would confuse operating accounts since DOT would then be the only state agency on a different fiscal year.

Introduced: 1/11/82
Referred: Transportation and
Finance

1 IN THE HOUSE BY THE TRANSPORTATION COMMITTEE

2 HOUSE BILL NO. 653

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act changing the fiscal year of the Department of
7 Transportation and Public Facilities; and providing for
8 an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 37.05.310 is amended to read:

11 Sec. 37.05.310. FISCAL YEAR. (a) Except as provided in (b) of
12 this section, the [THE] fiscal year of the state begins on July 1 of
13 each year and ends at midnight on the following June 30. The accounts
14 of the Department of Administration, the Department of Revenue, and all
15 other state officers whose accounts are in any way connected with the
16 treasury shall be kept, and all duties performed with reference to the
17 beginning and ending of the fiscal year.

18 (b) The fiscal year of the Department of Transportation and Public
19 Facilities begins on October 1 of each year and ends at midnight on the
20 following September 30.

21 * Sec. 2. AS 37.07.120(3) is amended to read:

22 (3) "fiscal year" means

23 (A) except for the Department of Transportation and
24 Public Facilities, a year beginning on July 1 of one calendar year
25 and ending on June 30 of the following calendar year;

26 (B) for the Department of Transportation and Public
27 Facilities, a year beginning on October 1 of one calendar year and
28 ending on September 30 of the following calendar year;

29 * Sec. 3. AS 37.25.010(a) is amended to read:

1 (a) Except as provided in AS 37.25.011, the [THE] unexpended
2 balance of a one-year appropriation authorized in an appropriation bill
3 lapses on June 30 of the fiscal year for which appropriated. However, a
4 valid obligation (encumbrance) existing on June 30 is automatically
5 reappropriated for the fiscal year beginning on the succeeding July 1 if
6 it is recorded with the Department of Administration by August 31 of the
7 succeeding fiscal year.

8 * Sec. 4. AS 37.25 is amended by adding a new section to read:

9 Sec. 37.25.011. UNEXPENDED BALANCES OF ONE-YEAR APPROPRIATIONS TO
10 THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES. The unexpended
11 balance of a one-year appropriation authorized in an appropriation bill
12 to the Department of Transportation and Public Facilities lapses on
13 September 30 of the fiscal year for which appropriated. However, a
14 valid obligation (encumbrance) existing on September 30 is automatically
15 reappropriated for the fiscal year beginning on the succeeding October 1
16 if it is recorded with the Department of Administration by November 30
17 of the succeeding fiscal year.

18 * Sec. 5. AS 37.25.020 is amended to read:

19 Sec. 37.25.020. UNEXPENDED BALANCES OF APPROPRIATION FOR CAPITAL
20 PROJECTS. An appropriation made for a capital project is valid for the
21 life of the project and the unexpended balance shall be carried forward
22 to subsequent fiscal years. Except as provided in AS 37.25.021, between
23 [BETWEEN] July 1 and August 31 of each fiscal year, a statement support-
24 ing the amount of the unexpended balance required to complete the pro-
25 jects for which the initial appropriation was made and the amount that
26 may be lapsed shall be recorded with the Department of Administration.

27 * Sec. 6. AS 37.25 is amended by adding a new section to read:

28 Sec. 37.25.021. UNEXPENDED BALANCES OF APPROPRIATION FOR CAPITAL
29 PROJECTS TO THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES. An

1 appropriation made for a capital project to the Department of Transpor-
2 tation and Public Facilities is valid for the life of the project and
3 the unexpended balance shall be carried forward to subsequent fiscal
4 years. Between October 1 and November 30 of each fiscal year, a state-
5 ment supporting the amount of the unexpended balance required to com-
6 plete the projects for which the initial appropriation was made and the
7 amount that may be lapsed shall be recorded with the Department of
8 Administration.

9 * Sec. 7. Notwithstanding other provisions of law, the fiscal year of the
10 Department of Transportation and Public Facilities that begins on July 1,
11 1982, continues through September 30, 1983.

12 * Sec. 8. This Act takes effect June 30, 1982.
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COMMITTEE REPORT

2/22

HOUSE

FURTHER: FINANCE

(7)

1/11/82

Date: Feb. 19, 1982

Mr. Speaker:

The Committee on TRANSPORTATION has had HB 653

"An Act changing the fiscal year of the Department of Transportation and Public Facilities; and providing for an effective date."

under consideration and reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____

AND attaches a "Letter of Intent" New Fiscal Note

reports it back ^{with individual recommendations} without recommendation

referred to the _____ ^{as follows} Committee

MEMBERS SIGNING DO PASS

M. H. [Signature]

Bette Cato

MEMBERS HAVING OTHER RECOMMENDATIONS:

Ed Sittel - no rec

Poppy Mann - no rec

J. Duncan - Do not pass

Bette Cato
CHAIRMAN

12-1991
Brodley

Introduced: 1/11/82
Referred: Transportation and
Finance

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2 HOUSE BILL NO. 653

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act changing the fiscal year of the Department of
7 Transportation and Public Facilities; and providing for
8 an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 37.05.310 is amended to read:

11 Sec. 37.05.310. FISCAL YEAR. (a) Except as provided in (b) of
12 this section, the [THE] fiscal year of the state begins on July 1 of
13 each year and ends at midnight on the following June 30. The accounts
14 of the Department of Administration, the Department of Revenue, and all
15 other state officers whose accounts are in any way connected with the
16 treasury shall be kept, and all duties performed with reference to the
17 beginning and ending of the fiscal year.

18 (b) The fiscal year of the Department of Transportation and Public
19 Facilities begins on October 1 of each year and ends at midnight on the
20 following September 30.

21 * Sec. 2. AS 37.07.120(3) is amended to read:

22 (3) "fiscal year" means

23 (A) except for the Department of Transportation and
24 Public Facilities, a year beginning on July 1 of one calendar year
25 and ending on June 30 of the following calendar year;

26 (B) for the Department of Transportation and Public
27 Facilities, a year beginning on October 1 of one calendar year and
28 ending on September 30 of the following calendar year;

29 * Sec. 3. AS 37.25.010(a) is amended to read:

1 (a) Except as provided in AS 37.25.011, the [THE] unexpended
2 balance of a one-year appropriation authorized in an appropriation bill
3 lapses on June 30 of the fiscal year for which appropriated. However, a
4 valid obligation (encumbrance) existing on June 30 is automatically
5 reappropriated for the fiscal year beginning on the succeeding July 1 if
6 it is recorded with the Department of Administration by August 31 of the
7 succeeding fiscal year.

8 * Sec. 4. AS 37.25 is amended by adding a new section to read:

9 Sec. 37.25.011. UNEXPENDED BALANCES OF ONE-YEAR APPROPRIATIONS TO
10 THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES. The unexpended
11 balance of a one-year appropriation authorized in an appropriation bill
12 to the Department of Transportation and Public Facilities lapses on
13 September 30 of the fiscal year for which appropriated. However, a
14 valid obligation (encumbrance) existing on September 30 is automatically
15 reappropriated for the fiscal year beginning on the succeeding October 1
16 if it is recorded with the Department of Administration by November 30
17 of the succeeding fiscal year.

18 * Sec. 5. AS 37.25.020 is amended to read:

19 Sec. 37.25.020. UNEXPENDED BALANCES OF APPROPRIATION FOR CAPITAL
20 PROJECTS. An appropriation made for a capital project is valid for the
21 life of the project and the unexpended balance shall be carried forward
22 to subsequent fiscal years. Except as provided in AS 37.25.021, between
23 [BETWEEN] July 1 and August 31 of each fiscal year, a statement support-
24 ing the amount of the unexpended balance required to complete the pro-
25 jects for which the initial appropriation was made and the amount that
26 may be lapsed shall be recorded with the Department of Administration.

27 * Sec. 6. AS 37.25 is amended by adding a new section to read:

28 Sec. 37.25.021. UNEXPENDED BALANCES OF APPROPRIATION FOR CAPITAL
29 PROJECTS TO THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES. An

1 appropriation made for a capital project to the Department of Transpor-
2 tation and Public Facilities is valid for the life of the project and
3 the unexpended balance shall be carried forward to subsequent fiscal
4 years. Between October 1 and November 30 of each fiscal year, a state-
5 ment supporting the amount of the unexpended balance required to com-
6 plete the projects for which the initial appropriation was made and the
7 amount that may be lapsed shall be recorded with the Department of
8 Administration.

9 * Sec. 7. Notwithstanding other provisions of law, the fiscal year of the
10 Department of Transportation and Public Facilities that begins on July 1,
11 1982, continues through September 30, 1983.

12 * Sec. 8. This Act takes effect June 30, 1982.
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ALASKA STATE LEGISLATURE

TWELFTH Legislature SECOND Session

HOUSE BILL NO. 653

By THE TRANSPORTATION COMMITTEE

"An Act changing the fiscal year of the Department of Transportation and Public Facilities; and providing for an effective date."

Fiscal year, changing, Department of Transportation

Introduced in the House 1/11, 1982

HISTORY IN THE HOUSE

19 82	Read first time and referred to Committee on Transportation and Finance												
JAN. 11	Reported back with recommendation that												
	Read second time and												
	Read third time and												
	<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused		
PASS	Effective Date												
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	<table border="0"> <tr> <td colspan="2">Reconsideration</td> </tr> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	Reconsideration		PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
Reconsideration													
PASS	Effective Date												
Yeas	Yeas												
Nays	Nays												
Absent	Absent												
Excused	Excused												
	Reported correctly engrossed Signed by Speaker Sent to Senate												
CHIEF CLERK OF THE HOUSE													

HISTORY IN THE SENATE

19	Read first time and referred to Committee on												
	Reported back with recommendation that												
	Read second time and												
	Read third time and												
	<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused		
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Reconsideration													
PASS	Effective Date												
Yeas	Yeas												
Nays	Nays												
Absent	Absent												
Excused	Excused												
	Reported correctly engrossed Signed by President Returned to House												
SECRETARY OF THE SENATE													

HISTORY IN THE HOUSE

19	Received from Senate
	Concurred in Senate amendment thus adopting: VOTE
	Failed to concur in Senate amendment; asked Senate to recede VOTE
	Senate receded from amendment VOTE
	Senate failed to recede from amendment VOTE
	CC appointed by House
	CC appointed by Senate
	CC adopted by House VOTE
	CC adopted by Senate VOTE
	To enrolling Reported correctly enrolled Sent to Governor
 by Governor
	Filed with Lt. Governor
	Chapter No.

Original sponsor: Transportation Committee

Offered: 3/5/82
Referred: Finance

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2

CS FOR HOUSE BILL NO. 654 (Transportation)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the Department of Transportation and Public Facilities and establishing the Board of Transportation and Public Facilities at the head of the department; and providing for an effective date."

7

8

9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11

* Section 1. AS 44.42 is amended by adding new sections to read:

12

Sec. 44.42.011. BOARD OF TRANSPORTATION AND PUBLIC FACILITIES.

13

There is at the head of the Department of Transportation and Public Facilities the Board of Transportation and Public Facilities.

14

15

Sec. 44.42.013. COMMISSIONER OF TRANSPORTATION AND PUBLIC FACILITIES.

16

The commissioner of transportation and public facilities is the principal executive officer of the department. The board shall appoint the commissioner of transportation and public facilities subject to the approval of the governor.

17

18

19

Sec. 44.42.015. COMPOSITION OF BOARD AND TERMS OF MEMBERS. (a)

20

The board consists of seven members. The members of the board shall be appointed by the governor and are subject to confirmation by a majority of the members of the legislature in joint session.

21

22

23

(b) One member of the board shall be appointed from each allocation district described in AS 19.30.127. Two members of the board shall be appointed from the state at large.

24

25

26

(c) Members appointed shall have the following qualifications:

27

(1) two members shall be experienced in highway construction;

28

(2) two members shall have an aeronautical background;

29

1 (3) one member shall have a maritime background;
2 (4) one member shall be an economist; and
3 (5) one member shall be selected from the public at
4 large.

5 (d) Members serve overlapping four-year terms. A member may not
6 serve more than two full terms on the board.

7 Sec. 44.42.017. COMPENSATION OF BOARD MEMBERS. Each member of the
8 board is entitled to travel expenses and \$150 per diem for each day
9 going to and from and for each day in actual attendance at board meet-
10 ings. A member is entitled to \$100 per diem for each day going to and
11 from and for each day in actual attendance at other meetings or con-
12 ferences authorized by the board.

13 Sec. 44.42.019. BOARD STAFF. The board may employ the staff it
14 considers necessary to meet its responsibilities. The staff of the
15 board are in the partially exempt service under AS 39.25.120.

16 Sec. 44.42.021. POWERS AND DUTIES OF BOARD. (a) The board shall
17 recommend policies for adoption by the legislature that are designed to
18 assure the development and maintenance of a comprehensive and balanced
19 statewide transportation system that will meet the needs of the people
20 of the state for safe and efficient transportation services. The poli-
21 cies shall provide, when appropriate, for the use of integrated inter-
22 modal transportation systems to implement the social, economic, and
23 environmental policies, goals, and objectives of the people of the
24 state, and especially to conserve nonrenewable natural resources includ-
25 ing land and energy. In preparing these policies the board shall

26 (1) consider the transportation policies that are stated in
27 existing state laws and recommend changes in these laws that the board
28 considers desirable;

29 (2) inventory the policies, goals, and objectives of municipi-

1 pal governments of the state and define the role of the state and municipi-
2 pal governments in determining transportation policies, in transportation
3 planning, and in implementing the state transportation plan;

4 (3) propose a six-year transportation plan for the state and,
5 after notice and public hearings, submit the transportation plan and
6 estimates of the appropriation necessary to implement the plan as well
7 as annual revisions of the plan to the legislature by the 10th day of
8 each regular legislative session;

9 (4) integrate the state transportation plan with the needs of
10 the elderly and the handicapped and coordinate federal and state programs
11 directed at assisting municipalities to answer the needs of the elderly
12 and the handicapped.

13 (b) In conformity with the policies, goals, and objectives stated
14 in (a) of this section and the state transportation plan adopted by the
15 legislature, the board shall

16 (1) plan, design, construct, and maintain all state modes of
17 transportation and transportation facilities, communication facilities,
18 and all docks, floats, breakwaters, buildings, and similar facilities;

19 (2) study existing transportation modes and facilities and
20 communication facilities in the state to determine how they might be
21 improved or whether they should continue to be maintained;

22 (3) study alternative means of improving transportation and
23 communication in the state with regard to the economic costs of each
24 alternative and its environmental and social effects;

25 (4) develop a comprehensive, long-range intermodal transpor-
26 tation plan for the state;

27 (5) study alternatives to existing modes of transportation in
28 urban areas and develop plans to improve urban transportation;

29 (6) cooperate and coordinate with and enter into agreements

1 with federal, state, and local government agencies and private organiza-
2 tions and persons in exercising its powers and duties;

3 (7) manage, operate, and maintain state transportation facili-
4 ties, communication facilities, and all docks, floats, breakwaters, and
5 buildings, including state highways, vessels, railroads, pipelines, air-
6 ports, and aviation facilities;

7 (8) study alternative means of transportation in the state,
8 considering the economic, social, and environmental impacts of each
9 alternative;

10 (9) coordinate and develop state and regional transportation
11 systems, considering deletions, additions, and the absence of altera-
12 tions;

13 (10) develop facility program plans for transportation and
14 communication facilities and state buildings, docks, and breakwaters
15 required to implement the duties set out in this section, including but
16 not limited to

17 (A) functional performance criteria; and

18 (B) schedules for completion;

19 (11) supervise and maintain all state automotive and mechani-
20 cal equipment, aircraft, and vessels, except aircraft and vessels used
21 by the Department of Fish and Game or the Department of Public Safety;

22 (12) supervise aeronautics and communications inside the
23 state, under AS 02.10;

24 (13) complete and maintain a current inventory of public
25 facilities, including a projection of the serviceability of the facili-
26 ties and projections of replacements and additions to facilities needed
27 to provide the level of services programmed by the various user agencies,
28 for municipalities with populations of less than 12,000, and for unincor-
29 porated communities, and perform those duties on a cooperative basis

1 with larger municipalities;

2 (14) adopt energy performance standards for public facilities
3 of the state that are constructed after July 1, 1980; the standards
4 shall be based on thermal and lighting energy standards established by
5 the American Society of Heating, Refrigeration and Air Conditioning
6 Engineers as adapted for application in high latitude, cold climate
7 environs;

8 (15) provide planning assistance, including but not limited to
9 energy audits and related technical services, to school districts and
10 regional educational attendance areas to develop and implement

11 (A) standards for the design, construction, and opera-
12 tion of rural educational facilities; and

13 (B) energy conservation measures for rural educational
14 facilities.

15 (c) The board may

16 (1) engage in experimental projects relating to available or
17 future modes of transportation and any means of improving existing
18 transportation facilities and service and communication;

19 (2) exercise the power of eminent domain, including the
20 declaration of taking as provided in AS 09.55.

21 (d) Under procedures adopted by it the board shall supervise the
22 execution by the commissioner of other statutory powers and responsi-
23 bilities granted to the commissioner by law.

24 * Sec. 2. AS 44.42.030 is amended to read:

25 Sec. 44.42.030. REGULATIONS. The board [DEPARTMENT] may adopt
26 regulations under the Administrative Procedure Act (AS 44.62) to imple-
27 ment, interpret, or make more specific its powers and duties.

28 * Sec. 3. AS 44.42.040 is amended to read:

29 Sec. 44.42.040. DEPARTMENTAL ORGANIZATION. The board [COMMIS-

1 SIONER] shall establish regions within the state. The functions of the
2 department within each region shall be performed, to the maximum extent
3 feasible, through a regional office. Each regional office shall be
4 directed by a regional transportation and public facilities director
5 appointed by the commissioner.

6 * Sec. 4. AS 44.42.050(a) is amended to read:

7 (a) The board [COMMISSIONER] shall develop annually a comprehen-
8 sive, intermodal, long-range transportation plan for the state. In
9 developing and revising the state plan, the board [COMMISSIONER] shall
10 consider means and costs of improving existing modes and facilities,
11 state and federal subsidies, and the costs and benefits of new transpor-
12 tation modes and facilities. The board [COMMISSIONER] shall also con-
13 sider the recommendation of the Alaska Transportation Planning Council.
14 The plan shall be submitted to the governor for his review and approval
15 and submitted by the governor to the legislature.

16 * Sec. 5. AS 44.42.050(b) is amended to read:

17 (b) In developing and revising the plan, the board [COMMISSIONER]
18 shall seek public review and evaluation by any reasonable means and may

19 (1) consult and cooperate with officials and representatives
20 of the federal government, other governments, interstate commissions and
21 authorities, local agencies and authorities, interested corporations and
22 other organizations concerning problems affecting transportation in the
23 state; and

24 (2) request from an agency or other unit of the state govern-
25 ment or of a political subdivision of it, or from a public authority,
26 the assistance and data that may be necessary to enable the board [COM-
27 MISSIONER] to carry out its [HIS] responsibilities under this section;
28 every such entity shall provide the assistance and data requested.

29 * Sec. 6. AS 44.42.050(d) is amended to read:

1 (d) The plan shall include a description of projects planned for
2 design and construction for the following two years. The description is
3 in addition to the long-range plan required by (a) of this section and
4 by AS 19.10.140. The description shall include an itemization of the
5 estimated cost for each project and the total cost of all projects. The
6 board [COMMISSIONER] shall propose and forward to the governor for his
7 review and approval and inclusion, as approved, in the capital budget a
8 construction program which includes the projects to be undertaken during
9 the following two years, including recommended project priorities. Funds
10 for transportation construction projects and necessary contingencies
11 shall be itemized as allocations within the bill for the General Appro-
12 priations Act.

13 * Sec. 7. AS 44.42.055(a) is amended to read:

14 (a) The board [COMMISSIONER] shall develop and annually revise a
15 statewide comprehensive facility procurement plan for public facilities
16 of the state and its municipalities.

17 * Sec. 8. AS 44.42.055(b) is amended to read:

18 (b) In developing and annually revising the facility procurement
19 plan, the board [COMMISSIONER] shall

20 (1) request and receive on an annual basis from all state
21 agencies a projection of the anticipated facility needs of the agency
22 for the next annual capital improvement program;

23 (2) consult with officials and representatives of municipali-
24 ties, the federal government, interested corporations and other organiza-
25 tions concerning public facility needs in the state;

26 (3) develop specific facility procurement plans for projects
27 in each of the following categories:

28 (A) sewage transmission and treatment systems;

29 (B) water transmission and treatment systems;

- 1 (C) electrical generation and distribution systems;
- 2 (D) health care and social services facilities;
- 3 (E) educational facilities;
- 4 (F) transportation facilities;
- 5 (G) public safety and justice facilities;
- 6 (H) recreational facilities;
- 7 (I) sanitation facilities; and
- 8 (J) cultural facilities;

9 (4) prepare recommendations to accommodate the various levels
10 of service identified by state agencies and other parties with respect
11 to the services described in (3) of this subsection, to include

- 12 (A) current and future facility needs;
- 13 (B) space standards and design guidelines for the appro-
14 priate facility types;
- 15 (C) maintenance and operations standards for the appro-
16 priate facility types;
- 17 (D) construction techniques and contracting methods;
- 18 (E) facility project budget requirements; and
- 19 (F) relative costs of identified alternatives (life
20 cycle cost analysis) including but not limited to the installation
21 and operation of energy systems which are not dependent on oil or
22 gas for water heating, space heating and cooling requirements, and
23 for the generation of electrical or mechanical power;

24 (5) identify common public facility needs among the various
25 user agencies; and

26 (6) submit its findings, plans and recommendations to the
27 governor and to the appropriate state agency to facilitate the develop-
28 ment of agency capital improvement budget requests.

29 * Sec. 9. AS 44.42.055(c) is amended to read:

1 (c) In the preparation and revision of the facility procurement
2 plan, the board [COMMISSIONER] may

3 (1) develop and adopt regulations for use in carrying out the
4 purpose of (b) of this section; regulations may not be adopted under
5 this section unless approval is received from appropriate program
6 agencies;

7 (2) make recommendations on the total capital improvement
8 program to affected state agencies, local governments, and other inter-
9 ested parties and organizations, and to the divisions of budget and
10 management and policy development and planning.

11 * Sec. 10. AS 44.42.060 is amended to read:

12 Sec. 44.42.060. GRANTS TO THE DEPARTMENT. The board [COMMIS-
13 SIONER] may apply for and accept, on behalf of the state, grants from
14 the federal government or an agency of it, or from another state, a
15 foundation, or any person, for any of the functions or purposes of the
16 department.

17 * Sec. 11. AS 44.42.900 is amended by adding a new paragraph to read:

18 (4) "board" means the Board of Transportation and Public
19 Facilities.

20 * Sec. 12. AS 35.15.080(a)(2) is amended to read:

21 (2) may provide by agreement for transfer to and assumption
22 by the municipality of the department's responsibilities relating to the
23 planning, design, and construction of a public works project, unless the
24 board [COMMISSIONER] determines that assumption of responsibilities by
25 the municipality is not practicable or not in the best interests of the
26 state.

27 * Sec. 13. AS 35.15.080(b) is amended to read:

28 (b) If the board [COMMISSIONER OF TRANSPORTATION AND PUBLIC FACILI-
29 TIES] determines that assumption of responsibilities by a municipality

1 under (a)(2) of this section is not practicable or not in the best
2 interests of the state, it [HE] shall notify the governing body of the
3 municipality of its [HIS] finding and specify reasons for it. If the
4 governing body requests reconsideration of the decision, the board
5 shall direct the commissioner to [HE SHALL] hold a hearing in the munici-
6 pality within 30 days following mailing of the request. Following the
7 hearing, the board [HE] may affirm, modify or reverse its [HIS] initial
8 decision and shall specify in writing the reasons.

9 * Sec. 14. AS 35.15.080(c) is amended to read:

10 (c) A municipality may request joint assumption of responsibilities
11 with the department relating to the planning, design and construction of
12 a public works project. A regional educational attendance area may
13 request joint assumption of responsibilities with the department relating
14 to the planning, design and construction of an educational facility. Two
15 or more municipalities or regional educational attendance areas may by
16 mutual agreement provide for cooperative assumption of responsibilities
17 relating to the planning and construction of a public works project. If
18 two or more municipalities or regional educational attendance areas
19 request assumption of responsibilities for a project and meet the stan-
20 dard of practicability set out in (a)(2) of this section, the board
21 [COMMISSIONER] shall determine which municipality or regional educational
22 attendance area is best able to direct planning, design, and construction
23 of the project and enter into an agreement with that municipality or
24 regional educational attendance area, or provide for joint or cooperative
25 administration, as the parties may agree or the board [COMMISSIONER] may
26 determine. Decisions of the board [COMMISSIONER] under this subsection
27 are final.

28 * Sec. 15. AS 35.15.080(f) is amended to read:

29 (f) To carry out the purpose of this section, the board [COMMIS-

1 SIONER OF TRANSPORTATION AND PUBLIC FACILITIES] shall adopt regulations
2 relating to the application for and the making and the conditions of
3 agreements and the local assumption of responsibilities for the planning,
4 design and construction of public works under this section. It [HE]
5 shall include in grant contracts terms and conditions requiring a
6 regional school board and its contractors to adhere to the provisions of
7 AS 36.05.010 with respect to the payment of wage rates on construction
8 projects, and AS 36.10.010 with respect to employment preference, and
9 may require different terms in agreements for different projects to meet
10 local conditions and unique requirements and to assure compliance with
11 the public facilities procurement policies developed by the department
12 under AS 35.10.160 - 35.10.200. If necessary, the board [COMMISSIONER]
13 may require as a condition of an agreement approval of the agreement by
14 the federal government. Regulations adopted, amended or repealed by the
15 department under this section which relate to educational facilities
16 shall be developed in conjunction with the Alaska Association of School
17 Boards and the Alaska Association of School Administrators and reviewed
18 by those associations before final action on the regulations is taken by
19 the department.

20 * Sec. 16. AS 35.20.050 is amended to read:

21 Sec. 35.20.050. AUTHORITY TO PURCHASE PROPERTY FOR THE PURPOSE OF
22 EXCHANGE. When the board [COMMISSIONER] formally declares that it is in
23 the best public interest of the state to do so, the department may
24 acquire by purchase or otherwise privately or publicly owned land or an
25 interest in it for the purpose of exchanging it for privately or publicly
26 owned land which the department is authorized by law to acquire.

27 * Sec. 17. AS 35.25.020 is amended by adding a new paragraph to read:

28 (7) "board" means the Board of Transportation and Public
29 Facilities established in AS 44.42.011.

1 * Sec. 18. AS 39.25.120 is amended by adding a new paragraph to read:

2 (20) the staff of the Board of Transportation and Public
3 Facilities.

4 * Sec. 19. AS 44.42.010 and 44.42.020 are repealed.

5 * Sec. 20. Members of the Board of Transportation and Public Facilities
6 shall be appointed for the following initial terms: two for four years, two
7 for three years, two for two years, and one for one year.

8 * Sec. 21. This Act takes effect July 1, 1982.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SHB 654 Relating to DOTPF and establishing the
Title Board of Transportation & Public Facilities at the head of the Dept.
Requested by House Transportation Date 1/21

II. FISCAL DETAIL

Agency Affected Department of Transportation and Public Facilities
Program Category Affected Administration and Support
BRU, Program, Or Subprogram(s) Affected Board of Transportation and Facilities
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	-0-	89.8	98.8	108.6	119.4	131.3
200 TRAVEL	-0-	56.9	62.6	68.9	75.8	83.4
300 CONTRACTUAL	-0-	55.0	60.5	66.5	73.1	80.4
400 COMMODITIES	-0-	5.0	5.5	6.0	6.6	7.2
500 EQUIPMENT	-0-	10.0	1.0	1.0	1.0	1.0
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	216.7	228.4	251.0	275.9	303.3

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	-0-	216.7	228.4	251.0	275.9	303.3
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	-0-	2	2	2	2	2
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

See attached notes and HB 654 1982.

IV. DATE 3/24

PREPARED BY D. M. Wang Reid
AGENCY Department of Transportation & Public Facil.

Original: Legislative Finance PHONE 465-3900

cc: Budget and Management
Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

CS
ESTIMATED COST ON HB654
For Board of Transportation & Facilities

100	Personal Services			
	2 Full time Staff			
	Executive Director			
	24A 4320/mo	\$51,840		
	Secretary I			
	10B 1726/mo	<u>20,712</u>	\$72,552	
	Benefits at 23.8%		<u>17,267</u>	\$89,819
200	Travel			
	Per Diem-Members			
	(per as 44.42.017)			
	Meetings			
	5 days - Initial set up x 7 members	(35)		
	3 days - 6 Regular x 7 members	(126)		
	5 days - Special x 7 members	(35)		
		<u>196</u> x \$150/day	29,400	
	3 days x 3 Inspection x 7 members	(63) x \$100/day	6,300	
	Per Diem-Staff			
	5 days (5)			
	3 days 6 times (18)			
	5 days 1 time (5)			
	<u>28</u> x \$80/day		\$ 2,240	
200	Air Fare - Members			
	& Staff			
	\$1,566 per meeting x 8 meetings	12,528		
	Avg/trip = \$261			
	\$261 x 7 members x 3 inspection	5,481		
	trips			
	Total air fare	<u>\$18,009</u>		
	Inflation/Rate increase 5%	<u>900</u>	<u>\$18,909</u>	
	Total Travel			\$56,849
300	Contractual			
310	Communication		\$ 6,000	
320	Printing & Advert.		9,000	
330	Space rental		9,300	
364	Equipment Rental		6,000	
380	Professional Services		20,000	
390	Other Contractual Services		<u>4,700</u>	
	Total Contractual			\$55,000

400	Commodities		
480	Office Supplies	\$ 5,000	
	Total Commodities		\$ 5,000
500	Equipment		
	Furniture & Office		
	Equipment including	<u>10,000</u>	
	2 desks, 2 chairs		10,000
	3 file cabinets, 1 book shelve		
	1 typewriter, 1 calculator		
	3 guest chairs, 1 table		
	Total cost Estimated		<u>\$216,668</u>
	Total Estimated Cost FY 83		\$216,700

TESTIMONY ON CS HB 648, CS HB 649, CS HB 651,
CS HB 652 and CS HB 654

My name is Walter B. Parker. I am a resident of Anchorage, Alaska residing at 3724 Campbell Airstrip Road. I have been active in Alaskan transportation operations and planning since 1946.

CS HB 654

I strongly support this bill. I believe that the Board would serve as the forum that has long been needed to discuss the transportation affairs of the state. It is time to decentralize some of the power in the state executive and this bill certainly is a good step in that direction.

I believe if we look at the Department of Education and see that the same Commissioner working with his board has survived some of the greatest policy changes in state history is a good indication of the way in which the board proposed in this bill might work for transportation. As a former Commissioner I would regard the board as an enhancement of the decision making power rather than a check upon it.

The change I would suggest would be to have two maritime members and drop the economist. This does not reflect a bias against economists who despite our present revenue forecasts I tend to admire as a profession. However, I believe this board should reflect overall transportation background and not specified professional expertise.

Bill Analysis by Rep. Bette Cato's office.

House Bill 654

This is "an act relating to the Department of Transportation and Public Facilities and establishing a board at the Department of Transportation and Public Facilities and providing for an effective date."

This bill establishes a board of transportation made up of 7 members. One member of the Board shall be appointed from each allocation district as in AS.19.30.127, (Local Service Roads and Trails districts.)

two members with highway construction experience
two members with aeronautical experience
one member with a maritime background
one member with to be an economist
one member shall be selected from the public at large

Members serve overlapping terms with no member serving more than two terms.

Sec. 44.42.017 The board is entitled to compensation of \$150 per day as well as travel and per diem, and is authorized \$100 for board approved meetings or conferences.

Sec. 44.42.019 The board is authorized to hire staff as necessary. Staff is in the partially exempt category.

Sec. 44.42.021, Powers and Duties

(a) The board shall: "Recommend policy for adoption to the legislature to assure the development and maintenance of a comprehensive and balanced statewide system that will meet the needs of the people of the state for safe and efficient transportation services." The bill outlines considerations for the board in their preparation of these policies. (inasmuch as these are straightforward in the bill, I will not go into detail here, but highlight significant areas)

(c) The board may (1) engage in experimental projects relating to existing or future modes of transportation.. (2) exercise the power of eminent domain, including the declaration of taking as in AS. 09.55.

(d), .." the board shall supervise the execution (of the plan) by the commissioner of other statutory powers and responsibilities granted to the commissioner by law.", which gives added accountability from the commissioner to the board.

Sec. 44.42.040 The board may adopt regulations.

Sec. 44.42.040 The board shall adopt regions in the state. The functions of the department.. shall be performed, to the maximum extent possible through the regional office. Region directors are appointed by the commissioner. (Recall that the board has supervisory powers here)

This section also elaborates on the "plan" for transportation.
Sec. 4, AS.44.42.050 (a) provides for an annual comprehensive
intermodal, long range plan.

Sec. 5 AS 44.42.050 (b) provides for amendments to the plan.

Sec. 6 speaks to "two year" plan but does not address two phase funding.
See HB 650.

Sec. 7 through Sec. 10 speaks to Public Facilities and outlines
procedures for the public facilities and other plans.

Sec. 12 through Sec. 16 inserts the word board in place of the word
commissioner

Introduced: 1/11/82
Referred: Transportation and
Finance

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2

HOUSE BILL NO. 654

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the Department of Transportation
7 and Public Facilities and establishing the Board of
8 Transportation and Public Facilities at the head of the
9 department; and providing for an effective date."

10

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11

* Section 1. AS 44.42 is amended by adding new sections to read:

12

Sec. 44.42.011. BOARD OF TRANSPORTATION AND PUBLIC FACILITIES.

13

There is at the head of the Department of Transportation and Public
14 Facilities the Board of Transportation and Public Facilities.

15

Sec. 44.42.013. COMMISSIONER OF TRANSPORTATION AND PUBLIC FACIL-

16

ITIES. The commissioner of transportation and public facilities is the
17 principal executive officer of the department. The board shall appoint
18 the commissioner of transportation and public facilities subject to the
19 approval of the governor.

20

Sec. 44.42.015. COMPOSITION OF BOARD AND TERMS OF MEMBERS. (a)

21

The board consists of seven members. The members of the board shall be
22 appointed by the governor and are subject to confirmation by a majority
23 of the members of the legislature in joint session.

24

(b) One member of the board shall be appointed from each allocation
25 district described in AS 19.30.127. Two members of the board shall be
26 appointed from the state at large.

27

(c) Members appointed shall have the following qualifications:

28

(1) two members shall be experienced in highway construction;

29

(2) two members shall have an aeronautical background;

- 1 (3) one member shall have a maritime background;
- 2 (4) one member shall be an economist; and
- 3 (5) one member shall be a graduate of an accredited law
- 4 school.

5 (d) Members serve overlapping four-year terms. A member may not
6 serve more than two full terms on the board.

7 Sec. 44.42.021. POWERS AND DUTIES OF BOARD. (a) The board shall
8 recommend policies for adoption by the legislature that are designed to
9 assure the development and maintenance of a comprehensive and balanced
10 statewide transportation system that will meet the needs of the people
11 of the state for safe and efficient transportation services. The poli-
12 cies shall provide, when appropriate, for the use of integrated inter-
13 modal transportation systems to implement the social, economic, and
14 environmental policies, goals, and objectives of the people of the
15 state, and especially to conserve nonrenewable natural resources includ-
16 ing land and energy. In preparing these policies the board shall

17 (1) consider the transportation policies that are stated in
18 existing state laws and recommend changes in these laws that the board
19 considers desirable;

20 (2) inventory the policies, goals, and objectives of municipi-
21 pal governments of the state and define the role of the state and municipi-
22 pal governments in determining transportation policies, in transportation
planning, and in implementing the state transportation plan;

24 (3) propose a six-year transportation plan for the state and,
25 after notice and public hearings, submit the transportation plan and
26 estimates of the appropriation necessary to implement the plan as well
27 as annual revisions of the plan to the legislature by the 10th day of
28 each regular legislative session;

29 (4) integrate the state transportation plan with the needs of

1 the elderly and the handicapped and coordinate federal and state programs
2 directed at assisting municipalities to answer the needs of the elderly
3 and the handicapped.

4 (b) In conformity with the policies, goals, and objectives stated
5 in (a) of this section and the state transportation plan adopted by the
6 legislature, the board shall

7 (1) plan, design, construct, and maintain all state modes of
8 transportation and transportation facilities, communication facilities,
9 and all docks, floats, breakwaters, buildings, and similar facilities;

10 (2) study existing transportation modes and facilities and
11 communication facilities in the state to determine how they might be
12 improved or whether they should continue to be maintained;

13 (3) study alternative means of improving transportation and
14 communication in the state with regard to the economic costs of each
15 alternative and its environmental and social effects;

16 (4) develop a comprehensive, long-range intermodal transpor-
17 tation plan for the state;

18 (5) study alternatives to existing modes of transportation in
19 urban areas and develop plans to improve urban transportation;

20 (6) cooperate and coordinate with and enter into agreements
21 with federal, state, and local government agencies and private organiza-
22 tions and persons in exercising its powers and duties;

23 (7) manage, operate, and maintain state transportation facili-
24 ties, communication facilities, and all docks, floats, breakwaters, and
25 buildings, including state highways, vessels, railroads, pipelines, air-
26 ports, and aviation facilities;

27 (8) study alternative means of transportation in the state,
28 considering the economic, social, and environmental impacts of each
29 alternative;

1 (9) coordinate and develop state and regional transportation
2 systems, considering deletions, additions, and the absence of altera-
3 tions;

4 (10) develop facility program plans for transportation and
5 communication facilities and state buildings, docks, and breakwaters
6 required to implement the duties set out in this section, including but
7 not limited to

8 (A) functional performance criteria; and

9 (B) schedules for completion;

10 (11) supervise and maintain all state automotive and mechani-
11 cal equipment, aircraft, and vessels, except aircraft and vessels used
12 by the Department of Fish and Game or the Department of Public Safety;

13 (12) supervise aeronautics and communications inside the
14 state, under AS 02.10;

15 (13) complete and maintain a current inventory of public
16 facilities, including a projection of the serviceability of the facili-
17 ties and projections of replacements and additions to facilities needed
18 to provide the level of services programmed by the various user agencies,
19 for municipalities with populations of less than 12,000, and for unincor-
20 porated communities, and perform those duties on a cooperative basis
21 with larger municipalities;

22 (14) adopt energy performance standards for public facilities
23 of the state that are constructed after July 1, 1980; the standards
24 shall be based on thermal and lighting energy standards established by
25 the American Society of Heating, Refrigeration and Air Conditioning
26 Engineers as adapted for application in high latitude, cold climate
27 environs;

28 (15) provide planning assistance, including but not limited to
29 energy audits and related technical services, to school districts and

1 regional educational attendance areas to develop and implement

2 (A) standards for the design, construction, and operation
3 of rural educational facilities; and

4 (B) energy conservation measures for rural educational
5 facilities.

6 (c) The board may

7 (1) engage in experimental projects relating to available or
8 future modes of transportation and any means of improving existing
9 transportation facilities and service and communication;

10 (2) exercise the power of eminent domain, including the
11 declaration of taking as provided in AS 09.55.

12 (d) Under procedures adopted by it the board shall supervise the
13 execution by the commissioner of other statutory powers and responsi-
14 bilities granted to the commissioner by law.

15 * Sec. 2. AS 44.42.030 is amended to read:

16 Sec. 44.42.030. REGULATIONS. The board [DEPARTMENT] may adopt
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18 ment, interpret, or make more specific its powers and duties.

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20 Sec. 44.42.040. DEPARTMENTAL ORGANIZATION. The board [COMMIS-
21 SIONER] shall establish regions within the state. The functions of the
22 department within each region shall be performed, to the maximum extent
23 feasible, through a regional office. Each regional office shall be
24 directed by a regional transportation and public facilities director
25 appointed by the commissioner.

26 * Sec. 4. AS 44.42.050(a) is amended to read:

27 (a) The board [COMMISSIONER] shall develop annually a comprehen-
28 sive, intermodal, long-range transportation plan for the state. In
29 developing and revising the state plan, the board [COMMISSIONER] shall

1 consider means and costs of improving existing modes and facilities,
2 state and federal subsidies, and the costs and benefits of new transpor-
3 tation modes and facilities. The board [COMMISSIONER] shall also con-
4 sider the recommendation of the Alaska Transportation Planning Council.
5 The plan shall be submitted to the governor for his review and approval
6 and submitted by the governor to the legislature.

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8 (b) In developing and revising the plan, the board [COMMISSIONER]
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10 (1) consult and cooperate with officials and representatives
11 of the federal government, other governments, interstate commissions and
12 authorities, local agencies and authorities, interested corporations and
13 other organizations concerning problems affecting transportation in the
14 state; and

15 (2) request from an agency or other unit of the state govern-
16 ment or of a political subdivision of it, or from a public authority,
17 the assistance and data that may be necessary to enable the board [COM-
18 MISSIONER] to carry out its [HIS] responsibilities under this section;
19 every such entity shall provide the assistance and data requested.

20 * Sec. 6. AS 44.42.050(d) is amended to read:

21 (d) The plan shall include a description of projects planned for
22 design and construction for the following two years. The description is
23 in addition to the long-range plan required by (a) of this section and
24 by AS 19.10.140. The description shall include an itemization of the
25 estimated cost for each project and the total cost of all projects. The
26 board [COMMISSIONER] shall propose and forward to the governor for his
27 review and approval and inclusion, as approved, in the capital budget a
28 construction program which includes the projects to be undertaken during
29 the following two years, including recommended project priorities. Funds

1 for transportation construction projects and necessary contingencies
2 shall be itemized as allocations within the bill for the General Appro-
3 priations Act.

4 * Sec. 7. AS 44.42.055(a) is amended to read:

5 (a) The board [COMMISSIONER] shall develop and annually revise a
6 statewide comprehensive facility procurement plan for public facilities
7 of the state and its municipalities.

8 * Sec. 8. AS 44.42.055(b) is amended to read:

9 (b) In developing and annually revising the facility procurement
10 plan, the board [COMMISSIONER] shall

11 (1) request and receive on an annual basis from all state
12 agencies a projection of the anticipated facility needs of the agency
13 for the next annual capital improvement program;

14 (2) consult with officials and representatives of municipali-
15 ties, the federal government, interested corporations and other organiza-
16 tions concerning public facility needs in the state;

17 (3) develop specific facility procurement plans for projects
18 in each of the following categories:

19 (A) sewage transmission and treatment systems;

20 (B) water transmission and treatment systems;

21 (C) electrical generation and distribution systems;

22 (D) health care and social services facilities;

23 (E) educational facilities;

24 (F) transportation facilities;

25 (G) public safety and justice facilities;

26 (H) recreational facilities;

27 (I) sanitation facilities; and

28 (J) cultural facilities;

29 (4) prepare recommendations to accommodate the various levels

1 of service identified by state agencies and other parties with respect
2 to the services described in (3) of this subsection, to include

3 (A) current and future facility needs;

4 (B) space standards and design guidelines for the appro-
5 priate facility types;

6 (C) maintenance and operations standards for the appro-
7 priate facility types;

8 (D) construction techniques and contracting methods;

9 (E) facility project budget requirements; and

10 (F) relative costs of identified alternatives (life
11 cycle cost analysis) including but not limited to the installation
12 and operation of energy systems which are not dependent on oil or
13 gas for water heating, space heating and cooling requirements, and
14 for the generation of electrical or mechanical power;

15 (5) identify common public facility needs among the various
16 user agencies; and

17 (6) submit its findings, plans and recommendations to the
18 governor and to the appropriate state agency to facilitate the develop-
19 ment of agency capital improvement budget requests.

20 * Sec. 9. AS 44.42.055(c) is amended to read:

21 (c) In the preparation and revision of the facility procurement
22 plan, the board [COMMISSIONER] may

23 (1) develop and adopt regulations for use in carrying out the
24 purpose of (b) of this section; regulations may not be adopted under
25 this section unless approval is received from appropriate program
26 agencies;

27 (2) make recommendations on the total capital improvement
28 program to affected state agencies, local governments, and other inter-
29 ested parties and organizations, and to the divisions of budget and

1 management and policy development and planning.

2 * Sec. 10. AS 44.42.060 is amended to read:

3 Sec. 44.42.060. GRANTS TO THE DEPARTMENT. The board [COMMIS-
4 SIONER] may apply for and accept, on behalf of the state, grants from
5 the federal government or an agency of it, or from another state, a
6 foundation, or any person, for any of the functions or purposes of the
7 department.

8 * Sec. 11. AS 44.42.900 is amended by adding a new paragraph to read:

9 (4) "board" means the Board of Transportation and Public
10 Facilities.

11 * Sec. 12. AS 35.15.080(a)(2) is amended to read:

12 (2) may provide by agreement for transfer to and assumption
13 by the municipality of the department's responsibilities relating to the
14 planning, design, and construction of a public works project, unless the
15 board [COMMISSIONER] determines that assumption of responsibilities by
16 the municipality is not practicable or not in the best interests of the
17 state.

18 * Sec. 13. AS 35.15.080(b) is amended to read:

19 (b) If the board [COMMISSIONER OF TRANSPORTATION AND PUBLIC FACILI-
20 TIES] determines that assumption of responsibilities by a municipality
21 under (a)(2) of this section is not practicable or not in the best
22 interests of the state, it [HE] shall notify the governing body of the
23 municipality of its [HIS] finding and specify reasons for it. If the
24 governing body requests reconsideration of the decision, the board
25 shall direct the commissioner to [HE SHALL] hold a hearing in the munici-
26 pality within 30 days following mailing of the request. Following the
27 hearing, the board [HE] may affirm, modify or reverse its [HIS] initial
28 decision and shall specify in writing the reasons.

29 * Sec. 14. AS 35.15.080(c) is amended to read:

1 (c) A municipality may request joint assumption of responsibilities
2 with the department relating to the planning, design and construction of
3 a public works project. A regional educational attendance area may
4 request joint assumption of responsibilities with the department relating
5 to the planning, design and construction of an educational facility. Two
6 or more municipalities or regional educational attendance areas may by
7 mutual agreement provide for cooperative assumption of responsibilities
8 relating to the planning and construction of a public works project. If
9 two or more municipalities or regional educational attendance areas
10 request assumption of responsibilities for a project and meet the stan-
11 dard of practicability set out in (a)(2) of this section, the board
12 [COMMISSIONER] shall determine which municipality or regional educational
13 attendance area is best able to direct planning, design, and construction
14 of the project and enter into an agreement with that municipality or
15 regional educational attendance area, or provide for joint or cooperative
16 administration, as the parties may agree or the board [COMMISSIONER] may
17 determine. Decisions of the board [COMMISSIONER] under this subsection
18 are final.

19 * Sec. 15. AS 35.15.080(f) is amended to read:

20 (f) To carry out the purpose of this section, the board [COMMIS-
21 SIONER OF TRANSPORTATION AND PUBLIC FACILITIES] shall adopt regulations
22 relating to the application for and the making and the conditions of
23 agreements and the local assumption of responsibilities for the planning,
24 design and construction of public works under this section. It [HE]
25 shall include in grant contracts terms and conditions requiring a
26 regional school board and its contractors to adhere to the provisions of
27 AS 36.05.010 with respect to the payment of wage rates on construction
28 projects, and AS 36.10.010 with respect to employment preference, and
29 may require different terms in agreements for different projects to meet

1 local conditions and unique requirements and to assure compliance with
2 the public facilities procurement policies developed by the department
3 under AS 35.10.160 - 35.10.200. If necessary, the board [COMMISSIONER]
4 may require as a condition of an agreement approval of the agreement by
5 the federal government. Regulations adopted, amended or repealed by the
6 department under this section which relate to educational facilities
7 shall be developed in conjunction with the Alaska Association of School
8 Boards and the Alaska Association of School Administrators and reviewed
9 by those associations before final action on the regulations is taken by
10 the department.

11 * Sec. 16. AS 35.20.050 is amended to read:

12 Sec. 35.20.050. AUTHORITY TO PURCHASE PROPERTY FOR THE PURPOSE OF
13 EXCHANGE. When the board [COMMISSIONER] formally declares that it is in
14 the best public interest of the state to do so, the department may
15 acquire by purchase or otherwise privately or publicly owned land or an
16 interest in it for the purpose of exchanging it for privately or publicly
17 owned land which the department is authorized by law to acquire.

18 * Sec. 17. AS 35.25.020 is amended by adding a new paragraph to read:

19 (7) "board" means the Board of Transportation and Public
20 Facilities established in AS 44.42.011.

21 * Sec. 18. AS 44.42.010 and 44.42.020 are repealed.

22 * Sec. 19. Members of the Board of Transportation and Public Facilities
23 shall be appointed for the following initial terms: two for four years, two
24 for three years, two for two years, and one for one year.

25 * Sec. 20. This Act takes effect July 1, 1982.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SHB 654 Relating to DOTPF and establishing the
Title Board of Transportation & Public Facilities at the head of the Dept.
Requested by House Transportation Date 1/21

II. FISCAL DETAIL

Agency Affected Department of Transportation and Public Facilities
Program Category Affected Administration and Support
BRU, Program, Or Subprogram(s) Affected Board of Transportation and Facilities
(Note: If more than one budget component is affected, separate line-item
amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	-0-	89.8	98.8	108.6	119.4	131.3
200 TRAVEL	-0-	56.9	62.6	68.9	75.8	83.4
300 CONTRACTUAL	-0-	55.0	60.5	66.5	73.1	80.4
400 COMMODITIES	-0-	5.0	5.5	6.0	6.6	7.2
500 EQUIPMENT	-0-	10.0	1.0	1.0	1.0	1.0
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	216.7	228.4	251.0	275.9	303.3

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	216.7	228.4	251.0	275.9	303.3
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME	-0-	2	2	2	2	2
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-
	-0-	-0-	-0-	-0-	-0-	-0-

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

See attached notes and HB 654 1982.

IV. DATE 3/24

PREPARED BY D. U. Wynn

AGENCY Department of Transportation & Public Facilities

Original: Legislative Finance

PHONE 465-3900

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

as
ESTIMATED COST ON HB654
For Board of Transportation & Facilities

100	Personal Services			
	2 Full time Staff			
	Executive Director			
	24A 4320/mo	\$51,840		
	Secretary I			
	10B 1726/mo	<u>20,712</u>	\$72,552	
	Benefits at 23.8%		<u>17,267</u>	\$89,819
200	Travel			
	Per Diem-Members			
	(per as 44.42.017)			
	Meetings			
	5 days - Initial set up x 7 members	(35)		
	3 days - 6 Regular x 7 members	(126)		
	5 days - Special x 7 members	(35)		
		<u>196</u> x \$150/day	29,400	
	3 days x 3 Inspection x 7 members	(63) x \$100/day	6,300	
	Per Diem-Staff			
	5 days (5)			
	3 days 6 times (18)			
	5 days 1 time (5)			
	<u>28</u> x \$80/day		\$ 2,240	
200	Air Fare - Members			
	& Staff			
	\$1,566 per meeting x 8 meetings	12,528		
	Avg/trip = \$261			
	\$261 x 7 members x 3 inspection	5,481		
	trips			
	Total air fare	<u>\$18,009</u>		
	Inflation/Rate increase 5%	<u>900</u>	<u>\$18,909</u>	
	Total Travel			\$56,849
300	Contractual			
310	Communication		\$ 6,000	
320	Printing & Advert.		9,000	
330	Space rental		9,300	
364	Equipment Rental		6,000	
380	Professional Services		20,000	
390	Other Contractual Services		<u>4,700</u>	
	Total Contractual			\$55,000

400	Commodities		
480	Office Supplies	\$ 5,000	
	Total Commodities		\$ 5,000
500	Equipment		
	Furniture & Office		
	Equipment including	<u>10,000</u>	
	2 desks, 2 chairs		10,000
	3 file cabinets, 1 book shelve		
	1 typewriter, 1 calculator		
	3 guest chairs, 1 table		
	Total cost Estimated		<u>\$216,668</u>
	Total Estimated Cost FY 83		\$216,700

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
Bill/Resolution No. HB 654 Relating to DOTPF and establishing the
Title Board of Transportation & Public Facilities at the head of the Dept.
Requested by House Transportation Date 1/21

II. FISCAL DETAIL
Agency Affected Department of Transportation and Public Facilities
Program Category Affected Administration and Support
BRU, Program, Or Subprogram(s) Affected Board of Transportation and Facilities
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	-0-	89.8	98.8	108.6	119.4	131.3
200 TRAVEL	-0-	41.9	46.1	50.7	55.8	61.3
300 CONTRACTUAL	-0-	55.0	60.5	66.5	73.1	80.4
400 COMMODITIES	-0-	5.0	5.5	6.0	6.6	7.2
500 EQUIPMENT	-0-	10.0	1.0	1.0	1.0	1.0
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	201.7	211.9	232.8	255.9	281.2

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	-0-	201.7	211.9	232.8	255.9	281.2
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	-0-	2	2	2	2	2
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

See attached notes and HB 654 1982.

IV. DATE 2/4/82 PREPARED BY D.H. Wong Don Loop
AGENCY Department of Transportation & Public Facilities
Original: Legislative Finance PHONE 465-3900
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

ESTIMATED COST ON HB654
For Board of Transportation & Facilities

100	Personal Services			
	2 Full time Staff			
	Executive Director			
	24A 4320/mo	\$51,840		
	Secretary I			
	10B 1726/mo	<u>20,712</u>	\$72,552	
	Benefits at 23.8%		<u>17,267</u>	\$89,819
200	Travel			
	Per Diem-Members			
	\$80/day			
	(per as 39.20.180)			
	Meetings			
	5 days - Initial set up x 7 members (35)			
	3 days - 6 Regular x 7 members (126)			
	5 days - Special x 7 members (35)			
	3 days x 3 Inspection x 7 members (63)			
		<u>259</u> x \$80/day	\$20,720	
	Per Diem-Staff			
	5 days (5)			
	3 days 6 times (18)			
	5 days 1 time (5)			
		<u>28</u> x \$80/day	\$ 2,240	
200	Air Fare - Members			
	& Staff			
	\$1,566 per meeting x 8 meetings	12,528		
	Avg/trip = \$261			
	\$261 x 7 members x 3 inspection	5,481		
	trips			
	Total air fare	<u>\$18,009</u>		
	Inflation/Rate increase 5%	<u>900</u>	<u>\$18,909</u>	
	Total Travel			\$41,869
300	Contractual			
310	Communication		\$ 6,000	
320	Printing & Advert.		9,000	
330	Space rental		9,300	
364	Equipment Rental		6,000	
380	Professional Services		20,000	
390	Other Contractual Services		<u>4,700</u>	
	Total Contractual			\$55,000

400	Commodities		
480	Office Supplies	\$ 5,000	
	Total Commodities		\$ 5,000
500	Equipment		
	Furniture & Office		
	Equipment including	<u>10,000</u>	
	2 desks, 2 chairs		10,000
	3 file cabinets, 1 book shelve		
	1 typewriter, 1 calculator		
	3 guest chairs, 1 table		
	Total cost Estimated		<u>\$201,688</u>
	Total Estimated Cost FY 83		\$201,700

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Sec. 39.20.160. Regulations. The fixing and payment under AS 39.20.110 — 39.20.170 of travel and per diem allowances and of advances and recovery and reimbursement of travel expenses shall be in accordance with regulations adopted by the commissioner of administration. The regulations shall be uniform for all officials and employees, and all agencies and departments. The regulations shall also govern the use of public transportation facilities by officials and employees. The regulations relate to the internal management of state agencies and their adoption is not subject to the Administrative Procedure Act (AS 44.62). (§ 9 ch 60 SLA 1957; am § 2 ch 13 SLA 1963)

Sec. 39.20.170. Construction of AS 39.20.110 — 39.20.170. AS 39.20.110 — 39.20.170 may not be construed to modify or repeal a law providing for the travel expenses of the governor, or members of the legislature, or members of boards or commissions of the state government. (§ 10 ch 60 SLA 1957)

Sec. 39.20.180. Transportation and per diem expenses for members of boards, commissions, etc. Except as otherwise provided by law, from and after March 27, 1962, the provisions in this section relating to per diem and transportation govern exclusively and supersede all other provisions of law with respect to a member of a state board, commission, committee, judicial council, or other similar body of persons of the state organized or established under the authority of law, but excluding any other state employee other than a legislator, who is otherwise entitled by law to receive from the state payments for expenses of transportation, and for reimbursement or for per diem in lieu of reimbursement for other expenses incident to his duties as such member:

(1) For transportation, the member is entitled either to the use of state transportation requests, or to be reimbursed for expenses of transportation to the same extent, in the same manner, and under the same conditions as provided for state officials and employees by the provisions of AS 39.20.110 — 39.20.170.

(2) For reimbursement for other expenses, the member is entitled to a per diem allowance prescribed by the commissioner of administration under the regulatory authority set out in AS 39.20.160 for each day or portion of a day spent in actual meeting or on authorized official business incident to his duties as a member. (§ 1 ch 130 SLA 1953; am § 1 ch 34 SLA 1960; am § 1 ch 37 SLA 1962; am § 5 ch 136 SLA 1967; am § 12 ch 47 SLA 1974)

Cross reference. — As to coverage of state board and commission members under the Worker's Compensation Act, see AS 23.30.242.

Quoted in Employers Liab. Assurance Corp. v. Groothuis, 8 Alas. L.J. No. 12, p. 134 (Nov., 1970).

Cited in Laborers & Hod Carriers Local 341 v. Groothuis, Sup. Ct. Op. No. 773 (File Nos. 1435, 1459), 494 P.2d 808 (1972).

Public Records and Recorders
Title 40
Public Resources
Title 41
Public Utilities and Carriers
Title 42

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

B
654

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 654 Relating to DOTPF and establishing the
Title Board of Transportation & Public Facilities at the head of the Dept.
Requested by House Transportation Date 1/21

II. FISCAL DETAIL

Agency Affected Department of Transportation and Public Facilities
Program Category Affected Administration and Support
BRU, Program, Or Subprogram(s) Affected Board of Transportation and Facilities
(Note: If more than one budget component is affected, separate line-item
amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	-0-	89.8	98.8	108.6	119.4	131.3
200 TRAVEL	-0-	41.9	46.1	50.7	55.8	61.3
300 CONTRACTUAL	-0-	55.0	60.5	66.5	73.1	80.4
400 COMMODITIES	-0-	5.0	5.5	6.0	6.6	7.2
500 EQUIPMENT	-0-	10.0	1.0	1.0	1.0	1.0
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	201.7	211.9	232.8	255.9	281.2

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	-0-	201.7	211.9	232.8	255.9	281.2
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	-0-	2	2	2	2	2
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

See attached notes and HB 654 1982.

IV. DATE

2/4/82

PREPARED BY

D.H. Worn

Ron Leup

AGENCY Department of Transportation & Public Facilities

Original: Legislative Finance

PHONE 465-3900

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

ESTIMATED COST ON HB654
For Board of Transportation & Facilities

100	Personal Services			
	2 Full time Staff			
	Executive Director			
	24A 4320/mo	\$51,840		
	Secretary I			
	10B 1726/mo	<u>20,712</u>	\$72,552	
	Benefits at 23.8%		<u>17,267</u>	\$89,819
200	Travel			
	Per Diem-Members			
	\$80/day			
	(per as 39.20.130)			
	Meetings			
	5 days - Initial set up x 7 members (35)			
	3 days - 6 Regular x 7 members (126)			
	5 days - Special x 7 members (35)			
	3 days x 3 Inspection x 7 members (63)			
		<u>259</u> x \$80/day	\$20,720	
	Per Diem-Staff			
	5 days (5)			
	3 days 6 times (18)			
	5 days 1 time (5)			
		<u>28</u> x \$80/day	\$ 2,240	
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	Total air fare	<u>\$18,009</u>		
	Inflation/Rate increase 5%	<u>900</u>	<u>\$18,909</u>	
	Total Travel			\$41,869
300	Contractual			
310	Communication		\$ 6,000	
320	Printing & Advert.		9,000	
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380	Professional Services		20,000	
390	Other Contractual Services		<u>4,700</u>	
	Total Contractual			\$55,000

400	Commodities		
480	Office Supplies	\$ 5,000	
	Total Commodities		\$ 5,000
500	Equipment		
	Furniture & Office		
	Equipment including	<u>10,000</u>	
	2 desks, 2 chairs		10,000
	3 file cabinets, 1 book shelve		
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	3 guest chairs, 1 table		
	Total cost Estimated		<u>\$201,688</u>
	Total Estimated Cost FY 83		\$201,700

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Sec. 39.20.160. Regulations. The fixing and payment under AS 39.20.110 — 39.20.170 of travel and per diem allowances and of advances and recovery and reimbursement of travel expenses shall be in accordance with regulations adopted by the commissioner of administration. The regulations shall be uniform for all officials and employees, and all agencies and departments. The regulations shall also govern the use of public transportation facilities by officials and employees. The regulations relate to the internal management of state agencies and their adoption is not subject to the Administrative Procedure Act (AS 44.62). (§ 9 ch 60 SLA 1957; am § 2 ch 13 SLA 1963)

Sec. 39.20.170. Construction of AS 39.20.110 — 39.20.170. AS 39.20.110 — 39.20.170 may not be construed to modify or repeal a law providing for the travel expenses of the governor, or members of the legislature, or members of boards or commissions of the state government. (§ 10 ch 60 SLA 1957)

Sec. 39.20.180. Transportation and per diem expenses for members of boards, commissions, etc. Except as otherwise provided by law, from and after March 27, 1962, the provisions in this section relating to per diem and transportation govern exclusively and supersede all other provisions of law with respect to a member of a state board, commission, committee, judicial council, or other similar body of persons of the state organized or established under the authority of law, but excluding any other state employee other than a legislator, who is otherwise entitled by law to receive from the state payments for expenses of transportation, and for reimbursement or for per diem in lieu of reimbursement for other expenses incident to his duties as such member:

(1) For transportation, the member is entitled either to the use of state transportation requests, or to be reimbursed for expenses of transportation to the same extent, in the same manner, and under the same conditions as provided for state officials and employees by the provisions of AS 39.20.110 — 39.20.170.

(2) For reimbursement for other expenses, the member is entitled to a per diem allowance prescribed by the commissioner of administration under the regulatory authority set out in AS 39.20.160 for each day or portion of a day spent in actual meeting or on authorized official business incident to his duties as a member. (§ 1 ch 130 SLA 1953; am § 1 ch 34 SLA 1960; am § 1 ch 37 SLA 1962; am § 5 ch 136 SLA 1967; am § 12 ch 47 SLA 1974)

Cross reference. — As to coverage of state board and commission members under the Worker's Compensation Act, see AS 23.30.242.

Quoted in Employers Liab. Assurance Corp. v. Groothuis, 8 Alas. L.J. No. 12, p. 334 (Nov., 1970).

Cited in Laborers & Hod Carriers Local 341 v. Groothuis, Sup. Ct. Op. No. 773 (File Nos. 1435, 1459), 494 P.2d 808 (1972).

Public Records and Recorders Title 40
Public Resources Title 41
Public Utilities and Carriers Title 42

Original sponsor: Transportation Committee

Offered: 3/5/82
Referred: Finance

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2 CS FOR HOUSE BILL NO. 654 (Transportation)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL.

6 For an Act entitled: "An Act relating to the Department of Transportation
7 and Public Facilities and establishing the Board of
8 Transportation and Public Facilities at the head of the
9 department; and providing for an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. AS 44.42 is amended by adding new sections to read:

12 Sec. 44.42.011. BOARD OF TRANSPORTATION AND PUBLIC FACILITIES.

13 There is at the head of the Department of Transportation and Public
14 Facilities the Board of Transportation and Public Facilities.

15 Sec. 44.42.013. COMMISSIONER OF TRANSPORTATION AND PUBLIC FACIL-
16 ITIES. The commissioner of transportation and public facilities is the
17 principal executive officer of the department. The board shall appoint
18 the commissioner of transportation and public facilities subject to the
19 approval of the governor.

20 Sec. 44.42.015. COMPOSITION OF BOARD AND TERMS OF MEMBERS. (a)
21 The board consists of seven members. The members of the board shall be
22 appointed by the governor and are subject to confirmation by a majority
23 of the members of the legislature in joint session.

24 (b) One member of the board shall be appointed from each allocation
25 district described in AS 19.30.127. Two members of the board shall be
26 appointed from the state at large.

27 (c) Members appointed shall have the following qualifications:

28 (1) two members shall be experienced in highway construction;

29 (2) two members shall have an aeronautical background;

- 1 (3) one member shall have a maritime background;
2 (4) one member shall be an economist; and
3 (5) one member shall be selected from the public at
4 large.

5 (d) Members serve overlapping four-year terms. A member may not
6 serve more than two full terms on the board.

7 Sec. 44.42.017. COMPENSATION OF BOARD MEMBERS. Each member of the
8 board is entitled to travel expenses and \$150 per diem for each day
9 going to and from and for each day in actual attendance at board meet-
10 ings. A member is entitled to \$100 per diem for each day going to and
11 from and for each day in actual attendance at other meetings or con-
12 ferences authorized by the board.

13 Sec. 44.42.019. BOARD STAFF. The board may employ the staff it
14 considers necessary to meet its responsibilities. The staff of the
15 board are in the partially exempt service under AS 39.25.120.

16 Sec. 44.42.021. POWERS AND DUTIES OF BOARD. (a) The board shall
17 recommend policies for adoption by the legislature that are designed to
18 assure the development and maintenance of a comprehensive and balanced
19 statewide transportation system that will meet the needs of the people
20 of the state for safe and efficient transportation services. The poli-
21 cies shall provide, when appropriate, for the use of integrated inter-
22 modal transportation systems to implement the social, economic, and
23 environmental policies, goals, and objectives of the people of the
24 state, and especially to conserve nonrenewable natural resources includ-
25 ing land and energy. In preparing these policies the board shall

26 (1) consider the transportation policies that are stated in
27 existing state laws and recommend changes in these laws that the board
28 considers desirable;

29 (2) inventory the policies, goals, and objectives of munici-

1 pal governments of the state and define the role of the state and municipi-
2 pal governments in determining transportation policies, in transportation
3 planning, and in implementing the state transportation plan;

4 (3) propose a six-year transportation plan for the state and,
5 after notice and public hearings, submit the transportation plan and
6 estimates of the appropriation necessary to implement the plan as well
7 as annual revisions of the plan to the legislature by the 10th day of
8 each regular legislative session;

9 (4) integrate the state transportation plan with the needs of
10 the elderly and the handicapped and coordinate federal and state programs
11 directed at assisting municipalities to answer the needs of the elderly
12 and the handicapped.

13 (b) In conformity with the policies, goals, and objectives stated
14 in (a) of this section and the state transportation plan adopted by the
15 legislature, the board shall

16 (1) plan, design, construct, and maintain all state modes of
17 transportation and transportation facilities, communication facilities,
18 and all docks, floats, breakwaters, buildings, and similar facilities;

19 (2) study existing transportation modes and facilities and
20 communication facilities in the state to determine how they might be
21 improved or whether they should continue to be maintained;

22 (3) study alternative means of improving transportation and
23 communication in the state with regard to the economic costs of each
24 alternative and its environmental and social effects;

25 (4) develop a comprehensive, long-range intermodal transpor-
26 tation plan for the state;

27 (5) study alternatives to existing modes of transportation in
28 urban areas and develop plans to improve urban transportation;

29 (6) cooperate and coordinate with and enter into agreements

1 with federal, state, and local government agencies and private organiza-
2 tions and persons in exercising its powers and duties;

3 (7) manage, operate, and maintain state transportation facili-
4 ties, communication facilities, and all docks, floats, breakwaters, and
5 buildings, including state highways, vessels, railroads, pipelines, air-
6 ports, and aviation facilities;

7 (8) study alternative means of transportation in the state,
8 considering the economic, social, and environmental impacts of each
9 alternative;

10 (9) coordinate and develop state and regional transportation
11 systems, considering deletions, additions, and the absence of altera-
12 tions;

13 (10) develop facility program plans for transportation and
14 communication facilities and state buildings, docks, and breakwaters
15 required to implement the duties set out in this section, including but
16 not limited to

17 (A) functional performance criteria; and

18 (B) schedules for completion;

19 (11) supervise and maintain all state automotive and mechani-
20 cal equipment, aircraft, and vessels, except aircraft and vessels used
21 by the Department of Fish and Game or the Department of Public Safety;

22 (12) supervise aeronautics and communications inside the
23 state, under AS 02.10;

24 (13) complete and maintain a current inventory of public
25 facilities, including a projection of the serviceability of the facili-
26 ties and projections of replacements and additions to facilities needed
27 to provide the level of services programmed by the various user agencies,
28 for municipalities with populations of less than 12,000, and for unincor-
29 porated communities, and perform those duties on a cooperative basis

1 with larger municipalities;

2 (14) adopt energy performance standards for public facilities
3 of the state that are constructed after July 1, 1980; the standards
4 shall be based on thermal and lighting energy standards established by
5 the American Society of Heating, Refrigeration and Air Conditioning
6 Engineers as adapted for application in high latitude, cold climate
7 environs;

8 (15) provide planning assistance, including but not limited to
9 energy audits and related technical services, to school districts and
10 regional educational attendance areas to develop and implement

11 (A) standards for the design, construction, and opera-
12 tion of rural educational facilities; and

13 (B) energy conservation measures for rural educational
14 facilities.

15 (c) The board may

16 (1) engage in experimental projects relating to available or
17 future modes of transportation and any means of improving existing
18 transportation facilities and service and communication;

19 (2) exercise the power of eminent domain, including the
20 declaration of taking as provided in AS 09.55.

21 (d) Under procedures adopted by it the board shall supervise the
22 execution by the commissioner of other statutory powers and responsi-
23 bilities granted to the commissioner by law.

24 * Sec. 2. AS 44.42.030 is amended to read:

25 Sec. 44.42.030. REGULATIONS. The board [DEPARTMENT] may adopt
26 regulations under the Administrative Procedure Act (AS 44.62) to imple-
27 ment, interpret, or make more specific its powers and duties.

28 * Sec. 3. AS 44.42.040 is amended to read:

29 Sec. 44.42.040. DEPARTMENTAL ORGANIZATION. The board [COMMIS-

1 SIONER] shall establish regions within the state. The functions of the
2 department within each region shall be performed, to the maximum extent
3 feasible, through a regional office. Each regional office shall be
4 directed by a regional transportation and public facilities director
5 appointed by the commissioner.

6 * Sec. 4. AS 44.42.050(a) is amended to read:

7 (a) The board [COMMISSIONER] shall develop annually a comprehen-
8 sive, intermodal, long-range transportation plan for the state. In
9 developing and revising the state plan, the board [COMMISSIONER] shall
10 consider means and costs of improving existing modes and facilities,
11 state and federal subsidies, and the costs and benefits of new transpor-
12 tation modes and facilities. The board [COMMISSIONER] shall also con-
13 sider the recommendation of the Alaska Transportation Planning Council.
14 The plan shall be submitted to the governor for his review and approval
15 and submitted by the governor to the legislature.

16 * Sec. 5. AS 44.42.050(b) is amended to read:

17 (b) In developing and revising the plan, the board [COMMISSIONER]
18 shall seek public review and evaluation by any reasonable means and may

19 (1) consult and cooperate with officials and representatives
20 of the federal government, other governments, interstate commissions and
21 authorities, local agencies and authorities, interested corporations and
22 other organizations concerning problems affecting transportation in the
23 state; and

24 (2) request from an agency or other unit of the state govern-
25 ment or of a political subdivision of it, or from a public authority,
26 the assistance and data that may be necessary to enable the board [COM-
27 MISSIONER] to carry out its [HIS] responsibilities under this section;
28 every such entity shall provide the assistance and data requested.

29 * Sec. 6. AS 44.42.050(d) is amended to read:

1 (d) The plan shall include a description of projects planned for
2 design and construction for the following two years. The description is
3 in addition to the long-range plan required by (a) of this section and
4 by AS 19.10.140. The description shall include an itemization of the
5 estimated cost for each project and the total cost of all projects. The
6 board [COMMISSIONER] shall propose and forward to the governor for his
7 review and approval and inclusion, as approved, in the capital budget a
8 construction program which includes the projects to be undertaken during
9 the following two years, including recommended project priorities. Funds
10 for transportation construction projects and necessary contingencies
11 shall be itemized as allocations within the bill for the General Appro-
12 priations Act.

13 * Sec. 7. AS 44.42.055(a) is amended to read:

14 (a) The board [COMMISSIONER] shall develop and annually revise a
15 statewide comprehensive facility procurement plan for public facilities
16 of the state and its municipalities.

17 * Sec. 8. AS 44.42.055(b) is amended to read:

18 (b) In developing and annually revising the facility procurement
19 plan, the board [COMMISSIONER] shall

20 (1) request and receive on an annual basis from all state
21 agencies a projection of the anticipated facility needs of the agency
22 for the next annual capital improvement program;

23 (2) consult with officials and representatives of municipali-
24 ties, the federal government, interested corporations and other organiza-
25 tions concerning public facility needs in the state;

26 (3) develop specific facility procurement plans for projects
27 in each of the following categories:

28 (A) sewage transmission and treatment systems;

29 (B) water transmission and treatment systems;

- 1 (C) electrical generation and distribution systems;
- 2 (D) health care and social services facilities;
- 3 (E) educational facilities;
- 4 (F) transportation facilities;
- 5 (G) public safety and justice facilities;
- 6 (H) recreational facilities;
- 7 (I) sanitation facilities; and
- 8 (J) cultural facilities;

9 (4) prepare recommendations to accommodate the various levels
10 of service identified by state agencies and other parties with respect
11 to the services described in (3) of this subsection, to include

- 12 (A) current and future facility needs;
- 13 (B) space standards and design guidelines for the appro-
14 priate facility types;
- 15 (C) maintenance and operations standards for the appro-
16 priate facility types;
- 17 (D) construction techniques and contracting methods;
- 18 (E) facility project budget requirements; and
- 19 (F) relative costs of identified alternatives (life
20 cycle cost analysis) including but not limited to the installation
21 and operation of energy systems which are not dependent on oil or
22 gas for water heating, space heating and cooling requirements, and
23 for the generation of electrical or mechanical power;

24 (5) identify common public facility needs among the various
25 user agencies; and

26 (6) submit its findings, plans and recommendations to the
27 governor and to the appropriate state agency to facilitate the develop-
28 ment of agency capital improvement budget requests.

29 * Sec. 9. AS 44.42.055(c) is amended to read:

1 (c) In the preparation and revision of the facility procurement
2 plan, the board [COMMISSIONER] may

3 (1) develop and adopt regulations for use in carrying out the
4 purpose of (b) of this section; regulations may not be adopted under
5 this section unless approval is received from appropriate program
6 agencies;

7 (2) make recommendations on the total capital improvement
8 program to affected state agencies, local governments, and other inter-
9 ested parties and organizations, and to the divisions of budget and
10 management and policy development and planning.

11 * Sec. 10. AS 44.42.060 is amended to read:

12 Sec. 44.42.060. GRANTS TO THE DEPARTMENT. The board [COMMIS-
13 SIONER] may apply for and accept, on behalf of the state, grants from
14 the federal government or an agency of it, or from another state, a
15 foundation, or any person, for any of the functions or purposes of the
16 department.

17 * Sec. 11. AS 44.42.900 is amended by adding a new paragraph to read:

18 (4) "board" means the Board of Transportation and Public
19 Facilities.

20 * Sec. 12. AS 35.15.080(a)(2) is amended to read:

21 (2) may provide by agreement for transfer to and assumption
22 by the municipality of the department's responsibilities relating to the
23 planning, design, and construction of a public works project, unless the
24 board [COMMISSIONER] determines that assumption of responsibilities by
25 the municipality is not practicable or not in the best interests of the
26 state.

27 * Sec. 13. AS 35.15.080(b) is amended to read:

28 (b) If the board [COMMISSIONER OF TRANSPORTATION AND PUBLIC FACILI-
29 TIES] determines that assumption of responsibilities by a municipality